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THE LEGISLATIVE ACTS

OF THE

GOVERNOR GENERAL OF INDIA IN COUNCIL,

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FROM 1834 TO THE END OF 1867;

WITH

AN ANALYTICAL ABSTRACT PREFIXED TO EACH ACT; TABLE OF CONTENTS AND INDEX TO EACH VOLUME; THE LETTERS PATENT OF THE HIGH COURTS, AND ACTS OF PARLIAMENT AUTHORIZING THEM.

(TO BE CONTINUED ANNUALLY.)

VOL. I.

1834—1851.

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PREFACE.

THE present is a collection of the Acts of the Legislative Council of India, from 1834 to the end of 1867. Repealed Acts and parts of Acts are omitted, but the Abstracts are retained, a plan which, I believe, has given satisfaction in former editions. I have admitted exceptions to the former part of this general rule, by the reprint of such repealed Acts and parts of Acts as concern titles to property, or in other respects have a permanent value for reference; and a few others of merely historical value may have been retained in the present, but will not in any subsequent volume. By this plan I have anticipated, to a considerable extent, the objects of a Bill now in course of being passed by the Legislative Council, for the repeal of some 180 Acts, which have become inoperative by change of circumstances, or have expired. The greater part of them have been suppressed in this Edition, and thereby the Bill referred to is anticipated.

The title which I have given to the present Collection is synonymous with "Acts of the Legislative Council of India." The Council came into existence in 1834 (the date at which this Collection begins), under 3 and 4 W. 4, c. 85, as a distinct body separate from that of the Executive Government of India; and the legislative powers of the Presidency Governments, through the exercise of which each Presidency had previously been supplied with Regulations (so called and not Acts), at the same time ceased.

In 1853, when the 3 and 4 W. 4, c. 85, was about to expire, the constitution of the Legislative Council was recast by the 16 and 17 V., c. 95, and great changes were made in it. The Chief Justice of the Supreme Court became *ex-officio* a Member of it. One other Judge of the Supreme Court was to be added to it by appointment of the Governor General; and each Presidency became (so to say) represented in it. It is noteworthy that it was during this period that the Indian Penal Code (the most logically perfect piece of Penal Legislation extant) was passed, the Chief Justice Sir BARNES PEACOCK being Vice-President of, and presiding at the Council. In 1861 the Legislative Constitution underwent another great transformation, under "The Indian Council's Act, 1861" (24 and 25 V., c. 67). The Chief Justice of the Supreme Court ceased to be *ex-officio* a Member of the Council, and Representative Members (so to call them), not fewer than six, and not more than twelve, of whom half were to be non-official persons, were to be appointed by the Governor General. At the same time Legislative Councils were to be established for the different Presidencies, and have been in existence ever since.

With respect to this Edition, the reader will find Notes to Acts and Sections, indicating subsequent changes and repeals; and I believe the Index will be found more than usually full.

W. THEOBALD.

LONDON, *December* 24, 1867

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CONTENTS.

ACTS 1834 TO 1839.

The Acts of this period are without Titles; but the following List may be useful.

ACTS OF 1834.

			Page
No.	1	Concerning the Governor General - - -	1
	2	Concerning the Name "Chief Secretaries" - -	1

ACTS OF 1835.

No.	1	Concerning the Governor of Madras - - -	1
	2	Concerning Assam, Arracan, and Tenasserim - -	2
	3	Concerning the Revenue Administration of the Ceded and Conquered Provinces - - - -	2
	4	Concerning the Justices of the Peace of Calcutta	3
	5	Concerning Moonsiffs' Fees or Commission, Madras -	3
	6	Concerning the Cossyah Hills and Cachar - -	3
	7	Concerning the Jurisdiction of the Commissioner of Circuit and Sessions Judge, Fort William and Agra -	4
	8	Concerning Decrees for Rent, Bengal - - - -	4
	9	Concerning the Superintendence of Salt Chokees, Bengal	5
	10	Law of Evidence - - - - -	6
	11	Relating to Printing Presses - - - -	7
	12	Relating to Sunnuds-i-Milkeut Istimrar, Madras -	11
	13	Concerning the Jurisdiction of the Fouzdarry Adawlut, Bombay - - - - - - -	11
	14	For the Appointment of Military Officers to the Magistracy, Bombay - - - - - -	11

1835. Page

No. 15 On the Non-Attendance of Witnesses, Madras - - 12
16 Concerning Indigo Contracts - - - - 12
17 Concerning the Silver and Gold Coinage and Legal Tender - - - - - - 13
18 Concerning the Misuse of Government Chuprasses - 15
19 Concerning the Assistant Judge of Poonah, Bombay - 16
20 On Investing Mahalkarees with Police Powers, Bombay 17
21 Concerning the Copper Coinage - - - 17

ACTS OF 1836.

No. 1 Concerning Light-House Funds - - - 18
2 Concerning Customs Duties, Bombay - - - 18
3 For Abolition of Cattle Duty, Salsette - - - 19
4 To Continue Insolvent Debtors' Act - - - 19
5 On Civil Procedure, Bengal - - - - 19
6 For Investing Courts with the Power of Liberating Prisoners - - - - - - 19
7 For Legalizing certain past Levies of Taxes, Bombay - 20
8 For Abolishing Certain Personal Disabilities and Privileges, Bengal - - - - - 20
9 To Enable Military Officers to Administer Oaths - 20
10 Concerning Indigo Contracts, Bengal - - - 21
11 For Abolishing Certain Personal Disabilities and Privileges - - - - - - 23
12 Concerning the Execution of Decrees of the Nuwaub of Furruckabad - - - - - 24
13 For Abolishing the Sicca Rupee and certain Local Coins 24
14 For Abolishing Transit and Town Duties, and Imposing and Regulating Customs' Duties, Bengal - - 25
15 Concerning Subathoo and the Annexed Territories - 27
16 Concerning the Nomination of a Vakeel by the Additional Government Commissioner, Madras - - 27
17 Concerning the Territories of the Begum Sumroo - 28
18 For the Abolition of certain Tolls, and the Substitution of others - - - - - - 29
19 Concerning the Increased Capital of the Bank of Bengal 29
20 Concerning Estates under Butwarra or Partition, Bengal 31
21 To Authorise the Creation by the G. G. in Council of New Zillahs, &c., Bengal - - - 32

1836. Page

No. 22 Concerning the Collection of Tolls on the Eastern Canal, called Tolly's Nullah - - - - - 32
23 Concerning the Zemindaries of Goomsur and Soorada, Madras - - - - - 35
24 Concerning the Names of Office of certain Native Judges, Madras and Bombay - - - - 35
25 For the Appointment of Ports for Warehousing, and establishing Public Warehouses - - - 36
26 To Authorise the Appointment of a Superintendent of the Governor General's Camp - - - 38
27 On the Admission of Vakeels in the Courts of Adawlut, Madras - - - - - - 39
28 On Municipal Assessments, Madras - - - 40
29 To Authorise the Appointment of Sudder Ameens, &c., Madras - - - - - - 40
30 On Gang Thuggee, and for the Abolition of a Futwa - 40
31 For Extending the Madras Regulation IV., 1831, to certain Revenue Grants - - - - 41
32 On the Importation of Foreign Sugar, Bengal - - 42

ACTS OF 1837.

No. 1 To Authorise the issue of certain Warrants by one Justice of the Peace, Calcutta - - - - - 42
2 To Regulate the Tolls on the Bhore Ghaut, Bombay - 43
3 To Empower the Sudder Courts to transfer Suits, &c., Bengal and Agra - - - - - 43
4 To Authorise the Acquisition of Land in any of the Indian Territories by any subject of H. M. - - 44
5 To Prohibit Contracts for the Emigration of Natives, except under regulations - - - - 45
6 To continue existing Land Revenue Settlement in Cuttack until New Settlement is made - - - 45
7 To Authorise the Supreme Court to set at liberty, on their own recognizances, Convicts whom the Court has recommended for a Free Pardon - - - 46
8 Concerning Anjengo and Changancherry, Madras - 46
9 To declare Immoveable Property of Parsees in the Presidency Towns of the nature of Chattels real, for transmission in case of intestacy - - - 47

1837.

		Page
No. 10	To Authorise the Appointment of a Commissioner to settle Land Titles in the Straits' Settlements -	47
11	To Repeal Bombay Regulation I., 1820, Articles 1, 2 -	52
12	Concerning Calcutta Conservancy - - -	52
13	To Legalize certain Trials by Court Martial - -	53
14	On the Differential Scale of Customs' Duties on Foreign Bottoms - - - - - - -	53
15	To Authorise the Levy of a certain House Tax, Bengal -	54
16	Custom House Regulations, Bengal - - -	54
17	Post Office Act - - - - - - -	56
18	On Murder by Thuggee, and belonging to a Gang of Thugs - - - - - - - -	58
19	To remove the incompetency of certain Witnesses -	59
20	To declare Immoveable Property in the Straits' Settlements to be of the nature of Chattels real, for transmission in case of intestacy - - - -	59
21	To Empower the Presidency Governments, &c., to dispense with any Oath, not being in a Judicial Proceeding - - - - - -	60
22	On the Jurisdiction of the Criminal Judge, &c., in Chingleput, Madras - - - - -	61
23	To Authorise the Madras Government to invest P. S. Ameens with the power of Commitment in certain cases - - - - - - - -	62
24	To Authorise the Bengal Government and Lieut. Governor of N. W. Provinces to appoint a Superintendent of Police - - - - - - -	62
25	Concerning the Jurisdiction and Procedure of Zillah Judges, P. S. Ameens, and S. Ameens, Bengal -	65
26	To Empower the Governor General to exercise the powers of G. G. in C., except that of making Laws, until he shall rejoin his Council - - -	68
27	For the Regulation of Salt Works, Salt Chokees, &c., Bombay - - - - - - -	69
28	To Repeal the Provision for confining the Management of the Stamp Duties to a Covenanted Officer, Bengal -	73
29	To Empower the Governor General in Council to dispense with the use of the Persian Language, &c., Bengal -	73
30	To increase the Powers of Aumeens of Police, Madras -	73
31	Concerning the Device of the Queen's Head on Coins -	74

1837. Page

No. 32 Emigration Act. 74

33 To regulate Reports by District Police to Magistrates - 75

34 To Authorise Magistrates to employ P. S. Ameens in Criminal matters, Madras - - - - - 75

35 For Regulating the Procedure in case of Decrees in certain Courts, Madras - - - - - 76

36 For Extending the Criminal Jurisdiction of Collectors, &c., in certain cases, Madras - - - - 78

37 To regulate the Proceedings in case of Certain Political Offences - - - - - - 79

38 To open the Office of Local Agent to persons not in the Civil, Military, or Medical Branch of the Service, Bengal 79

ACTS OF 1838.

No. 1 Customs' Act—Bombay - - - - - 80

2 North-Western Provinces—Salt Act - - 84

3 Concerning the Joint Criminal Judge of Cochin and Madras - - - - - - 84

4 Concerning Commitments for Perjury in the Sudder Adawlut, Bombay - - - - - 84

5 Bengal Bonded Warehouse Association Act - - 85

6 To authorise Commission of Enquiry into Charges of Malversation against Public Servants, Bombay - 96

7 To Enlarge the Jurisdiction of Single Zillah Judge, &c., Bengal - - - - - - 96

8 Concerning Tolls at Bhore Ghaut, Bombay - - 97

9 Concerning Fines by Sessions Judges, Bombay - - 97

10 Concerning Kumaon - - - - - 97

11 Concerning the Remuneration of Ameens, Bengal - 98

12 Concerning Hidden Treasure, Madras - - - 98

13 Authority to Extend Bengal Regulation XII., 1833 - 98

14 To limit the quantity of Ganjah and Bang to be kept without License, Madras - - - - 99

15 To Repeal Bombay Regulation XII., 1827, s. 35, cl. 1 - 99

16 Concerning Jurisdiction in Suits in regard to Tenures, &c., Bombay - - - - - - 99

17 Concerning Appeals from Orders or Decrees of District Moonsiffs, &c., Madras - - - - 102

1838. Page

No. 18 To Authorise Collectors, &c., to require Sureties, and to define the Liability of Sureties, Bombay - - 103
19 For the Regulation and Registration of Coasting Vessels, Bombay - - - - - 105
20 Concerning the Post Office - - - - 110
21 Concerning the Silver Coinage - - - 110
22 Concerning Summary Appeals from Orders or Decrees of Moonsiffs, &c. - - - - - 111
23 For Repealing part of Madras Regulation IV., 1831, s. 3 - - - - - - - 112
24 Concerning the Bank of Bengal - - - 112
25 The Wills' Act - - - - - - 114
26 Concerning the Trial of Persons committed by the Principal Sudder Ameen of Sirsee, Madras - - 124
27 Concerning the Reference of Suits in which a Vakeel or Officer of a Principal Sudder Ameen is interested 125
28 On Sentences by Courts of Oyer and Terminer or Gaol Delivery for Perjury - - - - 126
29 For the Protection of Salt Revenue, Bengal - - 126
30 Concerning Offices for the Registry of Deeds - - 139
31 For the Amendment of the Criminal Law of the Supreme Courts - - - - - 140
32 To Empower one Justice of the Peace to issue Warrants in certain cases - - - 143

ACTS OF 1839.

No. 1 Concerning Distress for Rent, Bengal - - - 144
2 Concerning Process for Recovery of Fines, and Punishment in Default of Payment - - - 144
3 To Abolish certain Personal Disabilities and Privileges 145
4 Concerning certain Injuries to Property, Straits' Settlements - - - - - - 146
5 For Protection of the Opium Farm, Straits' Settlements 149
6 For Constituting anew the Bank of Bengal - - 149
7 Concerning Tahseeldars, Madras - - - 162
8 Concerning the Lapsed Jagheer of Chinchnee - - 164
9 Concerning Suits in *Formâ Pauperis*, Bengal - - 165
10 For the Punishment of Waging War against Allied Powers, Straits' Settlements - - - - 166

1839. Page

No. 11 For Abolishing Institution Fees on Appeals - - 167
12 Municipal Taxes, Straits' Settlements - - 167
13 For Commuting Anchorage and other Dues into a Port Duty, Madras - - - - - 168
14 Concerning Emigration - - - - 168
15 Concerning Foreign Sugar - - - - 168
16 For the Assessment of the Rent of Government Lands, Straits' Settlements - - - - - 169
17 Post Office Act - - - - - 178
18 On Trials for Thuggee - - - - - 179
19 Requiring Confirmation of certain Sentences by Assistant Session Judge - - - - - 179
20 For Discontinuing the Levy of Hucks, Fees, and Customs by certain classes of persons - - 179
21 An Act for the Trial of Prisoners charged with the Commission of certain Petty-Offences in the Town of Calcutta and on the River Hooghly - - - 180
22 An Act for enabling Persons charged with Offences to make their Defence more effectually - - 181
23 For Defining the Powers of Courts Martial in certain cases - - - - - - 183
24 An Act for the Administration of Justice and Collection of the Revenue in certain parts of the Districts of Ganjam and Vizagapatam - - - 183
25 An Act for the Presidency of Bombay, limiting the powers of Collectors as Magistrates, and Assistant Collectors as Deputy Magistrates in certain cases - 185
26 Concerning Enquiry into Charges of Corruption against Public Officers - - - - - 186
27 An Act for Authorising the Court of Requests for the Town of Calcutta to Execute Decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs in certain cases - - 188
28 An Act for the Regulation of Buildings in the Islands of Bombay and Colaba - - - - 189
29 An Act for the Amendment of the Law relating to Dower 191
30 An Act for the Amendment of the Law of Inheritance 194
31 An Act for Remedying certain Defects in the Statute 9th, George IV., Ch. 74, relating to the Coin - 199
32 An Act concerning the Allowance of Interest in certain cases - - - - - - 200

ACTS OF 1840.

Page

No. 1 An Act for Regulating the Procedure on Trials referred to the Court of Foujdaree Udalut at Madras - 201

2 An Act for Regulating the Execution of Sentences of Imprisonment passed by Courts Martial in certain cases - - - - - - - - 201

3 An Act for the Incorporation of a Bank at Bombay - 201

4 An Act for preventing Affrays concerning the possession of Land, and for providing Relief in cases of Forcible Dispossession within the Presidency of Fort William in Bengal - - - - - - - 219

5 An Act concerning the Oaths and Declarations of Hindoos and Mahometans - - - - - 223

6 An Act for the Amendment of the Law concerning the Negotiation of Bills of Exchange - - - 224

7 An Act for Authorising the Appointment of Uncovenanted Servants to the Offices of Deputy Registrar and Assistant Registrar to the Sudder Courts of the Presidency of Fort William in Bengal - - 226

8 An Act concerning the Signing of Awards by the Members of Punchayets - - - - - 227

9 An Act for Amending the Law administered in Her Majesty's Courts of Justice with reference to Arbitrations, Damages, and interested Witnesses - 227

10 An Act for the Abolition of certain Pilgrim Taxes, and for the Superintendence of the Temple of Juggernath 230

11 An Act for the Presidency of Bombay, Amending the Law concerning Prisoners Sentenced to Labor or Solitude - - - - - - - 231

12 An Act for Extending Act XII. of 1839 (relating to the Assessment of Dwelling Houses and Buildings within and beyond the limits of the Towns of George Town, Singapore, and Malacca) to grounds not covered with houses or buildings - - - - - - 232

13 An Act for the Amendment of the Law regarding Factors, by extending to the Territories of the East India Company, in cases governed by English Law, the provisions of the Statute 4, George IV., Chap. 83, as altered and amended by the Statute 6, George IV., Chap 94 - - - - - - 233

1840. Page

No. 14 An Act for rendering a Written Memorandum necessary to the validity of certain promises and engagements by extending to the Territories of the East India Company, in cases governed by English Law, the Provisions of the Statute 9, George IV., Cap. 14 - 243

15 An Act for Extending Regulations XV. of 1827, and XIII. of 1830, of the Bombay Code, to the Agents of Foreign Sovereigns - - - - 247

16 An Act concerning the Management of Convicts transported to places within the Territories of the East India Company - - - - - - 247

17 An Act for Amending Regulation V. of 1831, of the Madras Code, as far as the same regards Penalties for certain breaches of the Salt Laws - - 249

18 An Act to Regulate the granting and withholding Licenses for the Sale of Liquors within the Islands of Bombay and Colaba - - - - - - 250

19 Bengal—Appeals - - - - - - 250

20 An Act for declaring the Law touching the liability of Auction Purchasers of permanently-assessed Estates under Section XXI., Regulation XI. of 1822, of the Bengal Code - - - - - - - 250

21 An Act concerning Suits instituted under the provisions of Regulation XLIX. of 1793, prior to, and pending at the date of the Enactment of Act IV. of 1840 - - - - - - - - 251

22 An Act for the Punishment of Vagrants within the Towns of Calcutta and of Madras, and the Islands of Bombay and Colaba, extorting Alms by offensive and disgusting exhibitions and practices - - 251

23 An Act for Executing, within the local limits of the Jurisdiction of Her Majesty's Courts, Legal Process issued by authorities in the Mofussil - - - 251

24 For amending the Law with respect to rates for Municipal purposes within the Town of Calcutta - - 255

25 For the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal - 255

ACTS OF 1841.

Page

No. 1 An Act for facilitating the Collection of the Revenue of Government, and defining the interest intended to be conveyed by public sales for the realization of arrears of the Public Revenue in Putteedaree Estates 257

2 An Act for regulating the sale of Ganja and Bhang within the Presidency of Bombay - - - 260

3 An Act for the trial of Prisoners charged with the commission of certain offences within the Islands of Bombay and Colaba, and the Harbour of Bombay - 261

4 An Act for regulating Public Conveyances in the Islands of Bombay and Colaba, and the Harbour of Bombay - - - - - - 261

5 An Act for the greater uniformity of the process upon trials for State Offences, and the amendment of such process in certain cases - - - - 264

6 An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort William in Bengal - - - - - - 266

7 An Act for a more uniform and an improved process for taking the examination of absent witnesses - 267

8 An Act to enable Her Majesty's Supreme Courts within the Territories of the East India Company to give relief against adverse claims made upon persons having no interest in the subject of such claims - 271

9 An Act concerning the adjudication of certain penalties imposed by Act XXV. of 1840, for the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal - - - 273

10 An Act for prescribing the Rules to be observed, in order that ships or vessels belonging to ports within the Territories under the Government of the East India Company, or belonging to Native Princes or States, or their subjects may become entitled to the privileges of British Ships under a proclamation of the Governor General of India in Council, made in pursuance of the Statute 3rd and 4th Victoria, Ch. 56 273

11 An Act for consolidating and amending the Regulation concerning Military Courts of Requests for Native Officers and Soldiers in the Service of the East India Company - - - - - - 290

1841. Page

No. 12 An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue - - 296

13 An Act for explaining the provisions of Act No. XXV. of 1836 - - - - - - 312

14 An Act for the better Regulation of Markets in the Islands of Bombay and Colaba - . - 312

15 An Act for exempting residents within Calcutta from giving security in suits in the Mofussil Courts on certain occasions - - - - - 313

16 An Act concerning the taking of Oaths of Qualification by Justices of the Peace - - - - - 313

17 An Act for amending the proceedings in appeals before the Courts of Sudder Dewanny and Nizamut Adawlut, in the Presidency of Fort William in Bengal - 314

18 An Act for consolidating and amending the enactments concerning the exportation of Military Stores - 315

19 An Act for the protection of moveable and immoveable property against wrongful possession in cases of successions - - - - - - 316

20 An Act for facilitating the Collection of Debts on successions, and for the security of parties paying debts to the representatives of deceased persons - - 323

21 An Act for the better prevention of Local Nuisances - 328

22 For amending the Law with respect to rates for Municipal purposes within the Town of Madras - - 330

23 An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort St George in Madras - - - - - - 331

24 An Act for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the Effects of Testators, Illusory Appointments, the Transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters - - - 332

25 An Act for amending the Law concerning imprisonment for contempts of decrees or orders made by Courts of Equity - - - - - - 333

1841.

Page

No. 26 An Act for extending in cases governed by English Law certain provisions of the Statute 3rd and 4th, William IV., Chap. 42, entitled "An Act for the further amendment of the Law and the better advancement of Justice" - - - - - - - 335

27 An Act for appropriating the unclaimed Dividends on Insolvent Estates. - - - - - - 338

28 An Act for extending Act No. XXIII. of 1839, to Camp Followers - - - - - - 340

29 An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of Suits and Appeals for neglecting to proceed in the same - 340

30 An Act for repressing Obstructions to Justice in certain Courts of the East India Company - - 341

31 An Act for amending the provisions of the Bengal Code touching Criminal Appeals, and the revision of Sentences and orders of Criminal Courts - 343

ACTS OF 1842.

No. 1 An Act for better regulating the sale of Opium and other intoxicating Drugs within the Town of Calcutta 345

2 An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India - - - - - - 345

3 An Act for extending the provisions of Act XXI. of 1839 to certain Petty Thefts, not being cases of Simple Larceny - - - - - - 345

4. An Act for the better management of Boats and Catamarans in the Madras Roads, and for the amendment of certain Harbour Regulations - - - 346

5 An Act concerning Payment on Account of Licenses for the Sale of Spirits in the Islands of Bombay and Colaba - - - - - - - 363

6 An Act for Annexing to the British Territory certain Villages belonging to the late Nepance Jagheer, and Acquisitions by Exchange from the Sattara State, and for bringing under the Regulations an Inam Village of Purgunnah Yelloor - - - 363

1842. Page

No. 7 An Act for Repealing certain Provisions of the Bengal Code regarding Translations - - - 367

8 An Act for describing in Legislative Acts, with greater Certainty and Convenience, the Courts of the highest Jurisdiction in the respective Presidencies - - 368

9 An Act for Extending the Statute Ch. XXI., 4th and 5th of Queen Victoria, in certain cases to the Territories of the East India Company - - - 368

10 An Act for Enabling the Inhabitants of any Place of Public Resort or Residence under the Presidency of Fort William, not within the Town of Calcutta, to make Better Provision for Purposes connected with Public Health and Convenience - - - 370

11 An Act for Amending and Explaining the Law concerning the Importation of Foreign Sugar - - 371

12 An Act for the Better Regulation of Military Bazaars, and Defining the Liabilities of Camp Followers - 371

13 An Act to Enable the Holders of Revenue which has been Alienated to them by the State, to Collect that Revenue within the Presidency of Bombay - - 372

14 An Act for giving greater Facility in the Abatement and Prosecution of the Nuisances in and throughout the Towns and Islands of Bombay and Colaba - 376

15 An Act for Regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to the Island of Mauritius 376

16 An Act concerning the Terms of Leases granted by Zemindars and Proprietors - - - - 386

17 An Act relative to the Number and Powers of the Revenue Commissioners under the Presidency of Bombay - - - - - - - 386

18 An Act for Facilitating Preliminary Investigations of Criminal Cases connected with the Collection of the Revenue within the Presidency of Bombay - - 387

ACTS OF 1843.

No. 1 An Act for Amending the Law concerning the Registration of Written Conveyances and other Instruments affecting Titles and other Interests to Land - 388

1843.

Page

No. 2 An Act to Regulate the Sittings of the Court of Sudder Dewanny Adawlut - - - - - - 390

3 An Act for Amending the Rules of Special Appeals - 390

4 An Act for Amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53, Geo. III., Ch. 155 - 391

5 An Act for Declaring and Amending the Law regarding the Condition of Slavery within the Territories of the East India Company - - - - 392

6 An Act for Amending the Law concerning the Jurisdiction and Procedure of the Courts of Ameens and Moonsiffs - - - - - - 393

7 An Act for Abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for Establishing New Zillah Courts to perform their functions; for Establishing Courts constituted according to Regulations I. and II. and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil Jurisdiction of such Courts - - 394

8 An Act for disposing of the original Suits and Appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the Abolition of which is Authorised by Act No. VII. of 1843 403

9 An Act for the Incorporation of a Bank at Madras - 404

10 An Act for the Administration of Justice and Collection of the Revenue in the Districts of Kurnool and Bunganapilly - - - - - 425

11 An Act for regulating the Service of Hereditary Officers under the Presidency of Bombay - - 426

12 An Act concerning the Time at which and the Language in which the Decisions of the Judges in the Courts of the East India Company are to be written - 429

13 An Act for Regulating Inquiries into the Truth of Matters Implicating the Public Conduct of Officers not Removeable without the Sanction of Government within the Presidency of Fort St. George, in Madras 430

14 An Act for Regulating the Levy of Customs Duties, and the Manufacture of Salt in the North Western Provinces of the Presidency of Bengal - - 431

1843 Page

No. 15 An Act for the more extensive Employment of Uncovenanted Agency in the Judicial Department - 436

16 An Act regarding the Offering of Rewards for the Apprehension of Offenders - - - 438

17 An Act for the Appointment of Official Trustees in Certain Cases - - - - - - 439

18 An Act for the Better Custody of Persons Convicted of Thuggee and Dacoity - - - - 441

19 An Act for Amending the Law respecting the Registration of certain Deeds - - - - 442

20 An Act for providing for the Exercise of certain Powers by the Governor General during his Absence from the Council of India - - - - 443

21 An Act for Regulating the Emigration of Labourers from India to Mauritius - - - - 443

22 An Act for Amending the Law relating to the Jurisdiction of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs - - - - 444

23 An Act for Amending the Law relating to the Jurisdiction of the Zillah Courts in the Provinces ceded by the Nawaub Vizier, and in some other places - 444

24 An Act for the Better Prevention of the Crime of Dacoity - - - - - - - 445

25 An Act for making the Provisions of 5 and 6 Vic., C. 45, Sec. XI., applicable to India - - - 446

ACTS OF 1844.

No. 1 An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, his Family and Retinue. - - - - - - 446

2 An Act respecting the expenses of preparing copies of Proceedings in Appeals - - - 446

3 An Act for legalizing the infliction of Corporal Punishment in cases of Petty Larceny generally, and when committed by offenders of tender age - - 447

4 An Act for Repealing Regulation IX. of 1808 of the Bengal Code - - - - - - 448

5 An Act for the suppression of all Lotteries not authorized by Government - - - - 448

1844.

Page

No. 6 An Act for abolishing the Levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by Sea, and for determining the price at which Salt shall be sold for home consumption within the Territories subject to the Government of Fort St. George - - - - - 449

7 An Act for improving the Law of Evidence - - 459

8 An Act to authorize the Governments of Fort William in Bengal, Fort St. George and Bombay, to remove Native Officers, Soldiers and Followers imprisoned under Sentence of a Court Martial from one Prison to another - - - - - - - 459

9 An Act for authorizing the institution of suits in the Courts of the Principal Sudder Ameens and Sudder Ameens - - - - - - - 460

10 An Act to amend the Law respecting the period of the Execution of Persons convicted of the crime of Murder 461

11 An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal - 462

12 An Act for better securing the observance of an exact discipline in the Indian Navy - - 463

13 An Act for making Trisoolee Pyce no longer a legal tender within the Province of Benares, and for their withdrawal from circulation - - - - 485

14 An Act for regulating the Proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay and at Agra, in regard to sentences of transportation for life - - - - - - 485

15 An Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844 - - - - - - 485

16 An Act for increasing the Excise and Import Duties heretofore payable to the Government on Salt manufactured within or imported into the Territories subject to the Government of the Presidency of Bombay 486

17 An Act for the Administration of Justice and Collection of the Revenue in the Territory which formed the State of Colaba, and which has lapsed to the British Government - - - - - - - 488

1844. Page

No. 18 An Act for the better control and management of Gaols within the Bengal Presidency - - 488

19 An Act for abolishing Town Duties and Mookauts, and all Taxes upon Trades and Professions within the Presidency of Bombay - - - - 489

20 An Act to amend the Law relating to advances *bonâ fide* made to agents intrusted with goods by extending to the Territories of the East Indian Company in cases governed by English law, the provisions of the statute 5 and 6 Victoria, c. 39, as altered by this Act 489

21 An Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to Jamaica, British Guiana, and Trinidad - - - - 497

22 An Act for regulating the Copper Coinage of the Mints in the Territories of the East India Company - 498

ACTS OF 1845.

No. 1 An Act to amend Act No. XII. of 1841, entitled "An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue" - - 499

2 An Act for regulating the punishment of Adultery in the Courts of the East India Company, in the Territories subject to the Presidency of Bombay - 516

3 An Act vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant. - - - - - 517

4 An Act to amend the law regarding the Registration of Deeds - - - - - - 517

5 An Act concerning the Examination and Appointment of Hindoo and Mahomedan Law Officers - - 519

6 An Act to amend the Law regarding the issue of Commissions of the Peace - - - - 519

7 An Act for regulating the levy of Water Rent, Tolls and Dues on certain Canals for irrigation and navigation, constructed by Government in the North Western Provinces and for the protection of the said Canals from injury - - - - - 520

1845. Page

No. 8 An Act for amending Section 75 and Chap. 17 of Regulation IV. of 1827 of the Bombay Code - - 522

9 An Act for amending the Schedules of Import duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, and for repealing Act XV. of 1844 - - - - - - - 523

10 An Act for empowering Courts to issue Warrants in cases of failure to serve Summons - - 523

11 An Act for the better Collection, Management, and Disbursement of certain Public Funds and Moneys for Police and Municipal purposes, throughout the Islands of Bombay and Colaba - - - 524

12 An Act for authorising the employment of the Uncovenanted Assistant Registrar of the Sudder Dewanny and Sudder Foujdaree Adawlut of Bombay on the duties of Registrar - - - - - 525

13 An Act for extending the power of the Supreme Court of Judicature at Bombay in regard to the admission and enrolment of persons to act as Attornies of the said Court - - - - - 525

14 An Act to provide for the appointment of Nazirs in the Moonsiffs' Courts - - - - - 526

15 An Act for declaring and enacting the privileges of Native Officers and Soldier of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings - - - - - 527

16 An Act for regulating the re-admission of Appeals after dismissal under Act XXIX. of 1841 - - 528

17 An Act for the better enforcement of the attendance of Witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal - - 529

18 An Act for the punishment of offences committed by Convicts sentenced to imprisonment for life - 529

19 An Act for incorporating the Assam Company - 530

20 An Act providing Articles of War for the Government of the Native Officers and Soldiers, in the Military Service of the East India Company - - 532

21 An Act respecting the appointment and powers of Agents for the suppression of Meriah Sacrifices in the Hill Tracts of Orissa - - - - 541

1845. Page

No. 22 An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India - - - - - 543

23 An Act to enable "The Union Bank of Calcutta" to sue and be sued in the name of the Secretary or of the Treasurer of the said Company - - - 543

24 An Act for establishing a Court for the trial of Officers of the Pilot Service accused of breach of duty - 558

25 An Act for regulating the time of sailing of Ships carrying Emigrants from Madras to Jamaica, British Guiana and Trinidad - - - - - 559

26 An Act to regulate the granting and withholding Licenses for the Sale of Liquors within the Town of Calcutta - 560

27 An Act for enabling Assistant Magistrates vested with special powers to decide Cases under the Provisions of Act IV. of 1840 - - - - - 560

28 An Act for the Improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Fort St. George - - 560

29 An Act to empower the Government of Bombay, to appoint Joint Zillah Judges or Joint Session Judges 561

30 An Act for enabling Session Judges within the Madras Presidency to award fines in compensation to injured parties - - - - - - - 563

31 An Act for exempting the Pensions of Soldiers and others from Attachment by Process of the Courts of the East India Company - - - - 563

32 An Act to modify Regulation I. of 1820 of the Madras Code, relative to Manufacturing Spirituous Liquors by the European process of distillation - - 564

ACTS OF 1846.

No. 1 An Act for amending the Law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company - - - - 566

2 An Act relating to Unscrewed Cotton exported from the Continent of India and imported at the Bombay Presidency - - - - - - - 569

1846. Page

No. 3 An Act for the establishment and maintenance of field boundary marks in the Presidency of Bombay - 570

4 An Act for amending the Law regarding the Sale of Land in execution of Decrees in the Territories subject to the Presidency of Fort William in Bengal - 572

5 An Act for placing the Police of Surat under the Magistrate - - - - - - - - 573

6 An Act for the more convenient administration of the Government of the Country called the Bhuttee Territory . - - - - - - 573

7 An Act regarding the Deposit of Diet Money for Witnesses in petty cases - - - - 574

8 An Act for determining the duration of the existing Settlement of the North Western Provinces - 575

9 An Act for authorizing the Government of Fort St. George to provide Regulations for the several Ports and Places of anchorage within the Territories subject thereto - - - - - - 578

10 An Act for regulating the proceedings in certain cases of distraint for Arrears of Rent - - 578

11 An Act for the exemption of certain Territory in the Province of Candeish and the Zillah Ahmednuggur from the operation of the General Regulations - 579

ACTS OF 1847.

No. 1 An Act for the establishment and maintenance of Boundary Marks in the North Western Provinces of Bengal - - - - - - - 584

2 An Act to declare the meaning and extent of certain words in Act V. of 1840. - - - - 586

3 An Act to provide for the appointment of Constables and Peace Officers at the Settlements in the Straits - 587

4 An Act to authorize the Governor in Council of Fort St. George to appoint any Military Officer a Magistrate 587

5 An Act to facilitate the execution of the sentences of Courts established by the authority of the Governor General in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company - - - - - - - 588

1847. Page

No. 6 An Act for establishing a Copper Currency in the Settlements of Penang, Singapore, and Malacca - 589

7 An Act to regulate Distresses for Small Rents in Calcutta. - - - - - - 590

8 An Act for rendering lawful the Emigration of Labourers from the Port of Madras, in the Presidency of Fort Saint George, to Mauritius - - - 596

9 An Act regarding the Assessment of Lands gained from the Sea or from Rivers by Alluvion or derelictiion within the Provinces of Bengal, Behar and Orissa - - - - - - 596

10 An Act for amending Act XXX. of 1836 - 600

11 An Act to authorize the reception of Convicts transported from Her Majesty's Settlement of Hong Kong - 601

12 An Act for repealing the Law which authorizes the imposition of fines on Moonsiffs and Sudder Ameens - - - - - 601

13 An Act for repealing Act XIV. of 1839, so far as it relates to the Emigration of Natives of India to the Island of Ceylon - - - - - 602

14 An Act for repealing parts of Section III., Regulation IV., 1793, and Section III., Regulation III., 1803, of the Bengal Code - - - - - 602

15 An Act for the Survey of Lands in the Town of Calcutta, within the Local limits of the Jurisdiction of Her Majesty's Supreme Court of Judicature - 603

16 For constituting Commissioners for the Improvement of the Town of Calcutta, partly by appointment of the Government and partly by the election of the Ratepayers - - - - - - 605

17 An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of Suits - 607

18 An Act for curing the invalidity in the Registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days - - - - - - 607

19 An Act to make certain Amendments in the Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company. - - - - - - 608

1847.

Page

No. 20 An Act for the encouragement of learniug in the Territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called Copyright therein - - - - - - 617

21 An Act for the improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Bombay - - - 627

22 To enable the Commissioners who may be appointed under Act XVI. of 1847, to purchase and hold real or personal property for the Improvement of the Town of Calcutta - - - - - 628

23 An Act for the amendment of Act XXXI. of 1838 - 644

ACTS OF 1848.

No. 1 An Act to regulate the proceedings in certain Cases of Forgery - - - - - - 644

2 An Act to confer certain powers and privileges on the Commissioners for the improvement of the Town of Calcutta, and to provide for the execution of certain public works by them - - - - 645

3 An Act for removing doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India - - - - - 649

4 An Act for regulating Coroner's Juries - - 650

5 An Act to amend the Law regarding the taking of Mochalkas or Penal Recognizances - - - 653

6 An Act for equalizing the Duties on Goods imported and exported on Foreign and British Bottoms, and for abolishing duties on goods carried from Port to Port in the Territories subject to the Government of the East India Company - - - - 653

7 An Act to except certain free ports from the operation of Section III., Act No. VI. of 1848, and otherwise to amend that Act - - - - - 654

8 To modify the provisions of Sections 9, 10, 11, and 13 of Regulation V., 1812, of the Bengal Code - 654

1848. Page

No. 9 An Act to repeal Acts No. XII. of 1839, and No. XII. of 1840, and to raise funds for Police and Municipal purposes throughout the Settlement of Prince of Wales' Island, Singapore, and Malacca, and the dependencies and places subordinate or annexed thereto, by levying an Assessment upon the rents, produce, and income derived from Buildings and Lands within the said Settlement, and by taxing Carriages, Waggons, Carts, Horses, and Mules kept or used within the same - - - - 655

10 An Act for annexing the lapsed State of Mandvee to the Presidency of Bombay - - - - 656

11 An Act for the punishment of wandering gangs of Thieves and Robbers - - - - - 659

12 An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts - - - - - 660

13 For limiting the time within which a suit may be brought to contest the awards of the Revenue Authorities in the Presidency of Bengal - - 660

14 To enable the Supreme Court of Calcutta to issue Commissions for taking Affidavits - - - 661

15 An Act to forbid trading by the Officers of the Supreme Courts - - - - - - 662

16 An Act to remove certain restrictions on the Salt Trade . - - - - - 663

17 An Act for substituting Stamp Duties instead of Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras; and for refunding Stamp Duties on Plaints in certain cases - 664

18 An Act for the Administration of the Estate of the late Nawab of Surat, and to continue privileges to his family - - - - - - 665

19 An Act for better defining the Law as to revision of the sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras - - - 667

20 An Act for better enforcing the attendance of Proprietors and Farmers of Land before Collectors of Land Revenue in the Lower Provinces of the Bengal Presidency - - - - - - 668

1848 Page

No. 21 An Act for avoiding Wagers - - - - 670
22 An Act to simplify Indictments for Forgery - - 671
23 An Act to amend a Clerical Error in Act No. XXV., 1840 - - - - - - - 671
24 An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India - - - - - 671
25 An Act for Restoration of the Jagheer of Bunganapilly 671
26 An Act to extend to the Straits the Act for regulating Coroners' Juries - - - - - 673
27 An Act to amend the Act XII. of 1844 - - 673

ACTS OF 1849.

No. 1 An Act to provide more effectually for the punishment of offences committed in Foreign States - 677
2 An Act to abolish the practice of branding and exposing Convicts . - - - - 679
3 An Act to confirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta - - - - - - 680
4 An Act for the Safe Custody of Criminal Lunatics - 681
5 An Act for better defining the Duties of Customs and Excise - - - - - 683
6 An Act for securing Military and Naval Pensions and Superannuation Allowances - - - 683
7 An Act for the appointment of an Administrator General in Bengal - - . - - 685
8 An Act for assimilating the Penal Jurisdiction of Police Magistrates at Madras to that of Justices of the Peace at Calcutta - - - - - 693
9 An Act for enabling one Police Magistrate to exercise in certain cases the powers of two Justices in the Presidency of Fort St. George - - - 693
10 An Act for appointing a Commissioner of Revenue at Madras - - - - - - 694
11 An Act for securing the Abkarry Revenue of Calcutta - 695
12 An Act for improving the jurisdiction of the Sudder Adawlut of Bombay, and for amending Section XXXVI, Regulation II., 1827, of the Bombay Code 706

1849. Page

No. 13 An Act to prevent the smuggling of Salt into Calcutta 707

14 An Act to punish tampering with the Army and Navy - - - - - - 716

15 An Act to amend the Law respecting the Stamped Material in use in the Presidency of Bombay - 716

ACTS OF 1850.

No. 1 An Act for confirming the title to lands in Calcutta taken for public purposes - - - - 716

2 An Act to amend and extend to Madras and Bombay Act No. VII., 1849 - - - - - 718

3 An Act for amending the Law concerning the jurisdiction of the Courts of Sudder Ameens and District Moonsiffs, in the Presidency of Fort St. George - 719

4 An Act for the amendment of Procedure in the Cases of Appeal to the Sudder Court - - - - 720

5 An Act for freedom of the Coasting Trade of India - 720

6 An Act for enabling the Commander-in-Chief to pardon Military Offences - - - - 721

7 An Act for better defining the Law as to the removal of Prisoners - - - - - - 721

8 An Act to amend the law for enabling Zillah and City Judges and Principal Sudder Ameens, in certain cases of Appeal, to confirm the decision without summoning the Respondent - - - - 722

9 An Act for the more easy Recovery of Small Debts and demands in Calcutta, Madras, and Bombay - 722

10 An Act to declare Aden a free Port - - - 755

11 An Act to amend Act X., 1841 - - - 755

12 An Act for avoiding loss by the default of Public Accountants - - - - - - - 757

13 An Act for Punishing Breaches of Trust - - 758

14 An Act for assimilating the Penal Jurisdiction of Police Magistrate at the Straits' Settlements to that of Justices of the Peace at Calcutta - - - 763

15 An Act to extend the operations of Sections X. and XII., Regulation XXVI., 1814, of the Bengal Code - 764

16 An Act for the restitution of the value of Stolen Property - - - - - - 764

1850.

		Page
No. 17	An Act for taking land in Bombay and Colaba for public purposes	764
18	An Act for the protection of Judicial Officers	765
19	An Act concerning the binding of Apprentices	766
20	An Act for settling the boundaries of the Tributary Mehals in Cuttack	774
21	An Act for extending the principle of Section IX., Regulation VII., 1832, of the Bengal Code, throughout the Territories subject to the Government of the East India Company	775
22	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India	776
23	An Act for securing the Land Revenue of Calcutta	776
24	An Act for better defining the special duty levied on Tobacco in Bombay	780
25	An Act for the forfeiture to Government of deposits made on incomplete Sales of Land under Regulation VIII., 1819, and Act IV., 1846	780
26	An Act to enable improvements to be made in Towns	781
27	An Act for the Registry of Merchant Seamen	785
28	An Act for the encouragement of Merchant Seamen	786
29	An Act to amend Act XXXI., 1838, for the prevention of Poisoning	787
30	An Act to remove doubts on the Construction of Act I., 1846, and Act IV., 1850	788
31	An Act for protecting the Salt Revenue in Bombay	789
32	An Act to repeal Act XV., 1836	791
33	An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal	791
34	An Act for the better Custody of State Prisoners	792
35	An Act for regulating the Bombay Ferries	793
36	An Act to amend the 113th Article of War for the Native Army	797
37	An Act for regulating Inquiries into the behaviour of Public Servants	797
38	An Act to allow Counsel to all persons on the trial of offences	803
39	To continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act XVI., 1847.	804

1850. Page

No. 40 An Act for Licensing Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca 805

41 An Act to prevent the landing and leaving of decrepit Beggars in the Settlements of Prince of Wales' Island, Singapore and Malacca - - - 806

42 An Act for giving additional facilities for Public Works in Bengal - - - - - - 807

43 An Act for the Regulation of Registered Joint Stock Companies - - - - - - 811

44 An Act for consolidating the Board of Customs, Salt, and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal - - - - 826

45. An Act to declare the Law as to the Jurisdiction of Coroners - - - - - - 827

ACTS OF 1851.

No. 1 An Act for the Appropriation of Fines levied under Act XXIV., 1845 - - - - - - 827

2 An Act to amend Regulation XIII., 1810, of the Bengal Code for the trial of Appeals - - - 828

3 An Act to amend Regulation X., 1819, and Act XXIX., 1838, for preventing the unlawful manufacture and transportation of Salt - - - - 828

4 An Act for the appointment of uncovenanted Deputy Magistrates, and for defining the duties of Deputy and Assistant Magistrates in Bombay - 829

5 An Act for relief of certain sufferers by the Insolvency of Sir Thomas Turton, Baronet - - 831

6 An Act respecting certain Land in Bombay called Foras Land - - - - - - 832

7 An Act to amend the law of the Bombay Presidency relating to execution of Decrees - - 840

8 An Act for enabling Government to levy Tolls on Public Roads and Bridges - - : - - 840

9 An Act for the prevention of Gambling in Bombay - 843

10 An Act to amend Act XX. of 1841 for the Administration of personal Estate of deceased persons - 844

1851. Page

No. 11 An Act for the Custody of Registers of Deeds in the Presidency of Bengal - - - - - 846

12 An Act for securing the Land Revenue of Madras - 847

13 An Act to amend Act No. V. of 1851 - - 851

14 An Act for consolidating the laws for collecting a Revenue of Excise on Spirituous Liquors and intoxicating Drugs in the Settlement of Prince of Wales' Island, Singapore, and Malacca - - - 852

15 An Act for the better suppression of frauds in respect of Cotton in Bombay - - - - - 854

16 An Act for the trial of Receivers of Stolen Property - 856

INDEX, from Page 857 to 919.

BENGAL SECRETARIAT LIBRARY

THE

LEGISLATIVE ACTS OF THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

GOVERNOR GENERAL.

Act No. I of 1834.

[*Passed on the 20th November*, 1834.

All Acts of Governor General and Vice-President, &c., between 22nd April, 1834, and 14th November, 1834, valid.

CHIEF SECRETARIES.

Act No. II. of 1834.

[*Passed on the 20th November*, 1834.

Authorizes the Secretaries to the Government of India, Fort William, Fort St. George, and Bombay, to exercise powers given by Act of Parliament to the Chief Secretaries.

This Act merely corrects a misnomer, the Secretaries of the Indian Government being described in certain Acts of Parliament as Chief Secretaries, which is not the proper official designation.

GOVERNOR OF MADRAS.

Act No. I. of 1835.

[*Passed on the 7th January*, 1835.

All Officers attached to the Madras Presidency to obey the orders of the Governor, which are to be as valid as orders of the Governor in Council.

A temporary Act, passed on the occasion of the Governor of the Presidency of Madras leaving the city of Madras, the seat of Council.

ASSAM, ARRACAN, AND TENASSERIM.

ACT No. II. OF 1835.

[*Passed on the* 12*th January*, 1835.

Assam, Arracan, and Tenasserim to be under the control of the Sudder Dewanny Adawlut, Nizamut Adawlut, and Sudder Board of Revenue, subject to instructions from the Bengal Government.

Be it enacted, that the functionaries who are or may be appointed in the provinces of Assam, Arracan and Tenasserim, be henceforth placed under the control and superintendence, in civil cases of the Court of Sudder Dewanny Adawlut, in criminal cases of the Court of Nizamut Adawlut, and in Revenue cases, of the Sudder Board Revenue; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive, from the Government of Fort William in Bengal. [Repealed so far as it relates to the Provinces of Arracan and Tenasserim by Act XII., 1862.]

THE CEDED AND CONQUERED PROVINCES.—REVENUE.

ACT No. III. OF 1835.

[*Passed on the* 19*th February*, 1835.

1. No new claims to be admitted under Reg. I., 1821, Reg. I., 1823, clause 2, s. 10, Reg. I., 1829.

2. All new claims to be cognizable only in the regular Courts of Justice, and tried in like manner with other suits, in conformity with the General Regulation.

3. Commissioners under old Regulations, and S. Board of R., to decide all cases pending: S. B. to decide Appeals in cases pending.

An Act the operation of which has entirely ceased for many years.

CALCUTTA.—JUSTICES OF THE PEACE.

ACT No. IV. OF 1835.

[*Passed on the* 13*th March*, 1835.

All powers which may be exercised by two Justices of the Peace for Calcutta shall be exercised by one such Justice.

Be it enacted, that from the 14th day of March, 1835, all powers whatever in criminal cases which, by virtue of any law now in force, may be exercised by two Justices of the Peace for the town of Calcutta, shall be exercised by one such Justice.

MADRAS.—MOONSIFFS' FEES.

ACT No. V. OF 1835.

[*Passed on the* 13*th March*, 1835.

District Moonsiffs' Fees or Commission abolished.

Be it enacted, that such parts of any of the Regulations in force as authorize the District Moonsiffs within the Presidency of Fort St. George, to receive any Fee or commission for duties performed by them, are hereby rescinded; and District Moonsiffs within that Presidency, shall not be entitled to receive any emolument whatever, beyond their fixed monthly allowances.

THE COSSYAH HILLS AND CACHAR.

ACT No. VI. OF 1835.

[*Passed on the* 13*th March*, 1835.

The Cossyah Hills and territory of Cachar to be under the control of the Sudder Dewanny Adawlut, Nizamut Adawlut, and Sudder Board of Revenue, subject to instructions from the Bengal Government.

Be it enacted, that the functionaries who are or may be appointed to the political charge of the Cossyah Hills, or to the superintendence of the territory of Cachar, be henceforth placed under the control and superintendence, in Civil cases, of the Court of Sudder Dawanny Adawlut, and in Criminal Cases, of

the Court of Nizamut Adawlut, and that the Officer so appointed in the territory of Cachar be placed, in Revenue cases, under the control and superintendence of the Sudder Board of Revenue; and that such control and superintendence of the Sudder Court and Board shall be exercised in conformity with such instructions, as the said functionaries may have received or may hereafter receive from the Government of Fort William in Bengal.

BENGAL AND AGRA.—JURISDICTION OF SESSIONS' JUDGE.

Act No. VII. of 1835.

[*Passed on the 8th June,* 1835.

The Governor of Bengal and Agra may transfer the duties connected with criminal justice from any Commissioner of Circuit to any Session Judge, and define the powers to be exercised by each respectively.

Be it enacted, that it shall be competent to the Governors of the Presidencies of Fort William in Bengal and of Agra respectively, by an order under the signature of the Secretary to Government in the Judicial Department, to transfer any part or the whole of the duties connected with criminal justice, from any Commissioner of Circuit to any Session Judge, and to define the powers which shall be exercised by each respectively.

BENGAL.—DECREES FOR RENT.

Act No. VIII. of 1835.

[*Passed on the 8th June,* 1835.

Sales under decrees for arrears of rent to be made in future by the Collectors of Land Revenue. Certain parts of section 15, Regulation 7, 1799, and of c. 3, Section 23, Regulation 7, 1822, rescinded. Collectors may sell Land in satisfaction of Summary Decrees for Rent.

2. All Sales for Arrears of Rent or Revenue, under Clause 7, Section 15, or Clause 6, Section 23, or Section 25, Regulation 7, 1799, to be public, and ten days' notice to be given.

Repealed by Act VIII., 1865, of the Bengal Council.

Act X., 1859, is a new Rent Law for Bengal.

BENGAL.—SALT CHOKEES.

Act No. IX. of 1835.

[*Passed on the 6th July*, 1835.

1. Governor of Bengal may vest the duty of Superintending Salt Chokeesin Officers not being Covenanted Civil Servants.

2. Superintending Officers of Chokees appointed without the powers of adjudication. The Governor of Bengal may invest any Judicial or Revenue Officer with those powers.

3. This Act not to affect the powers of Superintending Officers of Chokees being Civil Servants.

4. Scale of rewards for Officers and others making seizures of Salt.

I. Be it enacted, that it shall be competent to the Governor of Bengal, whensoever he shall deem it expedient, to vest the duty of Superintending Salt Chokees in Officers not being Covenanted Civil Servants, to limit the powers to be exercised by them in such manner as he may be pleased to direct.

II. When the Governor of Bengal shall appoint Superintending Officers of Chokees without the powers of adjudication in respect to cases of alleged violation of the laws for the protection of the Salt Revenue, which are declared to be vested in such Officers by sections 46—109, and other provisions of Regulation X., 1819, of the Bengal Code, it shall be competent to the Governor of Bengal to invest with those powers, any Judicial or Revenue Officer of the Government, giving notice thereof in the Government Gazette, and every Officer so invested with the said powers shall exercise the said powers in all respects as prescribed in Regulation X., 1819, of the Bengal Code, for Salt Agents and Superintending Officers of Chokees.

III. Nothing in this Act contained shall be construed to affect or interfere with the powers vested by the said Regulation, or by any other Regulation of the Government of Bengal, in Superintending Officers of Chokees being Covenanted Civil Servants.

IV. First—In modification of the Rule contained in Section 88, Regulation X., 1819, of the Bengal Code, the following scale of rewards is established for Officers and others making seizures of salt.

Second—Upon the adjudication of a forfeiture of salt, provided the parties concerned in the attempt to evade or violate the law

be likewise convicted, the Officers of the Salt Department under the grades of Agent and Superintendent, if they have made the seizure upon information laid, or under orders of their Superiors, shall be entitled to a reward at the rate of 8 annas per maund of Merchantable Salt so adjudged to be forfeited. If the parties concerned be not discovered and convicted, the reward to the Salt Officers shall be only at the rate of 5 annas per maund.

Third—If Salt be seized by any subordinate Officers of Government possessing authority to make seizures, without information from others or orders from their Superior, the reward shall be at the rate of one rupee per maund if the offenders be convicted, and 8 annas if no offenders be convicted.

Fourth—Informers, whether Officers of Government or not, shall, on the adjudication of Salt to forfeiture that may have been seized on their information, receive 8 annas per maund if the offenders be convicted, and 5 annas if there be no conviction.

This Act has two objects: to empower the Governor of Bengal to vest the duty of superintending Salt Chokees in Officers not being Covenanted Civil Servants. To this, the first three sections are devoted. The rest of the Act, beginning with the 4th section, is employed in establishing a new scale of rewards for Officers and others making seizures of Salt.

Act No. XXIX., of 1838, repealing previous Regulations, directs the mode of proceeding in the seizure of Salt where the Salt Laws have been violated. The same Act contains several provisions respecting the punishment of offences against the Salt Laws. Further modifications are made in Act. III. 1851. This branch of legislation is now assumed by the Bengal Legislative Council.

EVIDENCE.

Act No. X. of 1835.

[*Passed on the 6th July*, 1835.

Act passed by Governor General in Council may be proved by production of the Government Gazette purporting to contain it.

Repealed by Act II., 1855, An Act for the further improvement of the Law of Evidence.

LIBERTY OF THE PRESS.

ACT No. XI. OF 1835.

[*Passed on the 3rd August*, 1835.

1. Repeals four Regulations after specified.

2. No printed periodical containing public news or comments on news shall be published within the Territories of the E. I. C except under following regulations. Printer and Publisher of every periodical work shall make and subscribe a declaration before a Magistrate. Form of declaration. When place of printing and publishing is changed, a fresh declaration shall be necessary. Printer or Publisher leaving the Territories of the E. I. C., a new declaration shall be made by the Printer or Publisher resident within.

3. Any one printing or publishing any such periodical without conforming to rules shall be punished with a fine not exceeding 5,000 rupees, and imprisonment not exceeding two years.

4. Declaration shall be authenticated by signature and seal of the Magistrate, and deposited in the office of the Magistrate and in the Supreme Court. Any person entitled to inspect and have a copy of the declaration.

5. Office copy of declaration to be sufficient *prima facie* evidence that the person whose name is subscribed was the Printer or Publisher.

6. Persons who may have subscribed a declaration and since ceased to be the Printers or Publishers may make before the Magistrate another declaration. Form of declaration. This declaration to be filed with the original declaration. Any person may inspect this declaration and have copy; and office copy of the second declaration to be evidence: first declaration not to be evidence of fact at a subsequent period to the date of the second declaration.

7. Every printed book or paper shall have printed on it the name of printer and publisher, and place of printing and publication, under pain of fine not exceeding 5,000 rupees, and imprisonment not exceeding two years.

8. No person shall keep a Printing Press for use, without making a declaration. Form of declaration.

9. Any person in making a declaration knowing it to be untrue, shall be punished by fine not exceeding 5,000 rupees, and imprisonment not exceeding two years.

I. Be it enacted, that from the Fifteenth day of September, 1835, the four Regulations, hereinafter specified, be repealed.

1st.—A Regulation for preventing the establishment of Printing presses without license, and for restraining, under certain circumstances, the circulation of printed books and papers, passed by the Governor General in Council, on the 5th April, 1823.

2nd.—A Rule, Ordinance, and Regulation for the good order and civil Government of the Settlement of Fort William in

Bengal, passed in Council, 14th March, registered in the Supreme Court of Judicature, 4th April, 1823.

3rd.—A Rule, Ordinance, and Regulation for preventing the mischief arising from the printing and publishing Newspapers, and Periodical and other books and papers by persons unknown, passed by the Honorable the Governor in Council of Bombay, on the 2nd day of March, 1825, and registered in the Honorable the Supreme Court of Judicature at Bombay, under date the 11th March, 1825.

4th.—A Regulation for restricting the establishment of Printing presses, and the circulation of printed books and papers, passed by the Governor of Bombay in Council, on the 1st of January, 1827.

II. 1st.—And be it enacted, that, after the said Fifteenth day of September, 1835, no printed Periodical work whatever, containing public news or comments on public news, shall be published within the Territories of the East India Company, except in conformity with the rules hereinafter laid down.

2nd.—The Printer and the Publisher of every such Periodical work shall appear before the Magistrate of the Jurisdiction within which such work shall be published, and shall make and subscribe in duplicate the following declaration :—

"I, A. B., declare that I am the Printer (or Publisher, or Printer and Publisher) of the Periodical work entitled ——— and printed (or published, or printed and published) at ———." And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publishing is conducted.

3rd.—As often as the place of printing or publication is changed, a new declaration shall be necessary.

4th.—As often as the Printer or the Publisher, who shall have made such declaration as is aforesaid shall leave the Territories of the East India Company, a new declaration from a Printer or Publisher, resident within the said Territories, shall be necessary.

III. And be it enacted, that whoever shall print or publish any such Periodical work as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such Periodical work, knowing that the said rules have not been

observed with respect to that work, shall, on conviction, be punished with fine, to an amount not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

IV. And be it enacted, that each of the two originals of every declaration so made and described as is aforesaid, shall be authenticated by the signature and Official Seal of the Magistrate before whom the said declaration shall have been made, and one of the said originals shall be deposited among the records of the office of the Magistrate, and the other original shall be deposited among the records of the Supreme Court of Judicature, or other King's Court within the jurisdiction of which the said declaration shall have been made. And the officer in charge of each original shall allow any person to inspect that original on payment of a fee of one rupee, and shall give to any person applying for a copy of the said declaration attested by the Seal of the Court which has the custody of the original, on payment of a fee of two rupees.

V. And be it enacted, that in any legal proceeding whatever, as well Civil as Criminal, the production of a copy of such a declaration as is aforesaid, attested by the Seal of some Court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, that the said person was Printer, or Publisher, or Printer and Publisher (according as the words of the said declaration may be) of every portion of every Periodical work whereof the title shall correspond with the title of the Periodical work mentioned in the declaration

VI. Provided always, that any person who may have subscribed any such declaration, as is aforesaid, and who may subsequently cease to be the Printer or Publisher of the Periodical work mentioned in such declaration, may appear before any Magistrate, and make and subscribe in duplicate the following declaration :—

" I, A. B , declare that I have ceased to be the Printer (or Publisher, or Printer and Publisher) of the Periodical work entitled ———." And each original of the latter declaration shall be authenticated by the Signature and Seal of the Magistrate before whom the said latter declaration shall have been made, and one

original of the said latter declaration shall be filed along with each original of the former declaration; and the Officer, in charge of each original of the latter declaration, shall allow any person applying to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the Seal of the Court having custody of the original, on payment of a fee of two rupees:—and in all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration; and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, Printer or Publisher of the Periodical work therein mentioned.

VII. And be it enacted, that every book or paper printed after the said Fifteenth day of September, 1835, within the Territories of the East India Company, shall have printed legibly on it the name of the Printer and of the Publisher, and the place of printing and of publication, and whoever shall print or publish any book or paper otherwise than in conformity with this rule, shall, on conviction, be punished by fine to an amount not exceeding five thousand rupees, and by imprisonment for a term not exceeding two years.

VIII. And be it enacted, that after the said Fifteenth day of September, 1835, no person shall, within the Territories of the East India Company, keep in his possession any Press for the printing of books or papers, who shall not have made and subscribed the following declaration before the Magistrate of the jurisdiction wherein such Press may be; and whoever shall keep in his possession any such Press without making such a declaration, shall, on conviction, be punished by fine to an amount not exceeding five thousand rupees, and by imprisonment for a term not exceeding two years:—

"I, A. B., declare, that I have a Press for Printing at——." And this last blank shall be filled up with a true and precise description of the premises where such Press may be.

IX. And be it enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to

an amount not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

MADRAS.—SUNNUDS.

ACT No. XII. OF 1835.

[*Passed on the 3rd August*, 1835.

Regulation IV., 1829, and Regulation IV., of 1830 of the Madras Code rescinded.

Be it enacted, that Regulation IV., 1829, of the Madras Code, entitled a Regulation for annulling the Sunnuds-i-Milkeut Istimrar, issued for the Zemindarees of Nozeed and Ellore, in the Zillah of Masulipatam, and for empowering the Government to issue new Sunnuds for the same—and Regulation IV., 1830, of the same Code, entitled a Regulation for suspending the Provisions of Regulation IV., 1829, be rescinded.

BOMBAY.—FOUZDARRY ADAWLUT.

ACT No. XIII. OF 1835.

[*Passed on the 3rd August*, 1835.

The Sudder Fouzdarry Adawlut may direct any accused person to be tried in any Zillah.

Be it enacted, that it shall be competent to the Court of Sudder Fouzdarry Adawlut for the Presidency of Bombay to direct that any person accused of any offence, and subject to the Jurisdiction of the Courts of the East India Company, may be tried in any Zillah of the said Presidency.

See Act XVII., 1862, and Code of Criminal Procedure Act XXV., 1861.

BOMBAY.—MAGISTRACY.

ACT No. XIV. OF 1835.

[*Passed on the 3rd August*, 1835.

The Governor of Bombay may appoint any Military Officer to be a Magistrate, &c.

Be it enacted, that it shall henceforth be competent to the Go-

vernor of Bombay in Council, by an Order in Council, to appoint any Military Officer in the service of the East India Company, a Magistrate [or an Assistant Magistrate in one or more Zillahs, and to confer on any Assistant Magistrate, by a Special Order, any of the powers of a Magistrate.]

Repealed by Act IV., 1851.

MADRAS.—WITNESSES.

Act No. XV. of 1835.

[*Passed on the 3rd August*, 1835.

1. Repeals Reg. 5, 1802. Witness not attending before the S. A. or refusing to give evidence, may be fined not exceeding 500 rupees, and committed until he shall consent to give evidence. If fine not paid, he may be confined for further term not exceeding 3 months.

2. Persons guilty of contempt of S. A. in open Court, may be immediately fined, not exceeding 500 rupees, or be committed for not exceeding 6 months.

3. S. A. may commit any person who appears to have been guilty of perjury, and send him for trial to the Zillah Court, &c.

Repealed by Act XVII., 1862.

BENGAL.—INDIGO CONTRACTS.

Act No. XVI. of 1835.

[*Passed on the 3rd August*, 1835.

Rescinds ss. 2 and 3, Reg. V., 1830.

Be it enacted, that from the 1st of November, 1835, so much of Section 2, of Regulation V. of 1830, of the Bengal Code, as provides that persons instigating and inducing ryots to evade the performance of their engagements, may be prosecuted for the full amount of the penalty specified in the original agreement of the ryot, together with all expenses and costs of the suit—and section 3 of the same Regulation, providing that persons contracting for the cultivation of Indigo Plant, who shall wilfully neglect or refuse to sow or cultivate the ground specified in their engagement shall be deemed guilty of a misdemeanor, and liable to punishment,—be rescinded.

Act No. 10, section 3, of 1836, gives a remedy against any person inducing a ryot to break his engagement.

GOLD AND SILVER COINAGE.

ACT No. XVII. OF 1835.

[*Passed on the 17th August,* 1835.

1. What Silver Coins shall be Coined within the Territories of East India Company.
2. The obverse and reverse to bear the head and name of the Reigning Sovereign and the designation of the Coin in English and Persian.
3. New Coins a legal tender
4. Relative value between the new Coins and the old ones.
5. Quarter Rupee legal tender only in payment of fraction of a Rupee.
6. Existing Contracts for payment of Calcutta Sicca Rupees at a different rate from the above, if payment is made in any other Presidency shall be performed according to the terms agreed.
7. What Gold Coins shall be coined at the Mints.
8. What the Gold Coins shall bear on the obverse and reverse.
9. No Gold Coin shall be a legal tender.
10. The Governor General in Council may direct the coining and issuing of Coins under this Act; prescribe the devices, &c., of Copper Coins, and establish, &c., any Mints.

Be it enacted, that from the First day of September, 1835, the undermentioned Silver coins only shall be coined at the Mints within the Territories of the East India Company:—A Rupee, to be denominated the Company's Rupee; a Half Rupee; a Quarter Rupee; and a Double Rupee; and the weight of the said Rupee shall be 180 Grains Troy, and the standard shall be as follows:—

$\frac{11}{12}$ or 165 Grains of pure Silver,
$\frac{1}{12}$ or 15 „ of Alloy,

and the other Coins shall be of proportionate weight and of the same standard. [The word "only" repealed by Act XIII., 1862, s. 1.]

II. And be it enacted, that these Coins shall bear on the obverse the head and the name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the Coin in English and Persian, and the words "East India Company" in English, with such embellishment as shall from time to time be ordered by the Governor General in Council. [The above provision repealed as to the "reverse," by Act XIII., 1862, s. 1.]

III. And be it enacted, that the Company's Rupee, Half Rupee, and Double Rupee, shall be a legal tender in satisfaction

of all engagements, provided the Coin shall not have lost more than two per cent. in weight, and provided it shall not have been clipped, or filed, or have been defaced otherwise than by use.

IV. And be it enacted, that the said Rupee shall be received as equivalent to the Bombay, Madras, Furruckabad and Sonat Rupees, and to Fifteen-sixteenths of the Calcutta Sicca Rupee, and the Half and Double Rupee respectively, shall be received as equivalent to the Half and Double of the above-mentioned Bombay, Madras, Furruckabad and Sonat Rupees, and to the Half and Double of Fifteen-sixteenths of the Calcutta Sicca Rupee.

V. And be it enacted, that the Company's Quarter Rupee shall be a legal tender only in payment of the fraction of a Rupee.

VI. Provided that if in any contract for the payment of Calcutta Sicca Rupees it shall have been specially stipulated that if payment be made in the Territories of the Madras, Bombay, or Agra Presidency, it shall be made in the Rupee now current in those Presidencies repectively, at a different rate from that above provided with reference to the Calcutta Sicca Rupee, the contract shall be satisfied by payment within those Presidencies of Company's Rupees of the amount of Furruckabad, Madras, or Bombay Rupees so specially stipulated:—Provided also, that if payment of the principal or interest of the Public Debt be made for the convenience of creditors at any public Treasury other than as stipulated in the Notes and Engagement of the Government, it shall be competent to the Government to make such payments at the same exchange as heretofore.

VII. And be it enacted, that the undermentioned Gold Coins only shall henceforth be coined at the Mints within the Territories of the East India Company:—

First.—A Gold Mohur or Fifteen Rupee Piece of the weight of 180 Grains Troy, and of the following Standard, viz:—

$\frac{11}{12}$ or 165 Grains of pure Gold,
$\frac{1}{12}$ or 15 „ of Alloy.

Second.—A Five Rupee Piece equal to a Third of a Gold Mohur.

Third.—A Ten Rupee Piece equal to Two-thirds of a Gold Mohur.

Fourth.—A Thirty Rupee Piece or Double Gold Mohur and the three last-mentioned Coins shall be of the same standard with the Gold Mohur, and of proportioned weight.

VIII. And be it enacted, that these Gold Coins shall bear on the obverse the head and name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the coin in English and Persian and the words "East India Company" in English, with such embellishment as shall from time to time be ordered by the Governor General in Council, which shall always be different from that of the Silver Coinage.

IX. And be it enacted, that no Gold Coin shall henceforward be a legal tender of payment in any of the Territories of the East India Company.

X. And be it enacted, that it shall be competent to the Governor General in Council, in his Executive capacity, to direct the coining and issuing of all Coins authorised by this Act; to prescribe the devices and inscriptions of the Copper Coins issued from the Mints in the said Territories, and to establish, regulate, and abolish Mints, any law hitherto in force to the contrary notwithstanding.

The other Acts relating to the Silver Coinage, are, Act 13, 1836, Act 31, 1837, and Act 21, 1838 Under the first, the Calcutta Sicca Rupee ceased to be a legal tender. The Sicca Rupee no longer exists as a Coin, though it is still used in accounts. The second merely suspends so much of the above Act as directs that certain coins shall bear on the obverse the head of the reigning Sovereign,—then and still Queen Victoria. It was supposed that the head of a female sovereign would be offensive to the natives of India. Act 21, 1838, allows the Governor General to put her Majesty's head on the Coin. It also enables the Governor General to direct the coinage of Silver Coins of less than a Rupee in even annas

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BENGAL.—CHUPRASS OR BADGES.

ACT No. XVIII. OF 1835.

[*Passed on the 9th November*, 1835.

1. Repeals Clause 8, Section 9, Regulation 11, 1806; Clause 4, Section 30, Regulation 20, of 1817

2. No person to wear any Chuprass or Badge intended to resemble any

Chuprass or Badge worn by servants of Government, under pain of fine and imprisonment as for a misdemeanor.

3. Every Chuprass or Badge, worn by others than servants of Government shall bear the name of the employer; any violation of this rule shall be punishable with fine and imprisonment.

Be it enacted, that Clause 8, Section 9, Regulation XI., 1806, and Clause 4, Section 30, Regulation XX., 1817, of the Bengal Code, which prohibit the use of a Chuprass or Badge, by peons or other servants in the employment of private individuals, be repealed.

And be it enacted, that no person shall wear, or be accessory to the wearing by any other person of any Chuprass or Badge, intended to resemble any Chuprass or Badge worn by servants of the Government; and every person violating this rule shall be punishable by fine and imprisonment, on conviction before a Magistrate, as for a misdemeanor.

And be it enacted, that every Chuprass or Badge worn by any person, not being a servant of the Government, shall bear the name of the party by whom the wearer is employed, and whoever shall wear a Chuprass or Badge, or be accessory to the wearing such Chuprass or Badge, otherwise than in conformity to this rule, shall be punishable by fine and imprisonment, on conviction before a Magistrate, as for a misdemeanor.

Repealed by Act XVII., 1862, as to parts in which the Code of Criminal Procedure is in operation.

BOMBAY.—JUDICIARY SYSTEM.

ACT No. XIX. OF 1835.

[*Passed on the 9th November*, 1835.

The Governor in C. may appoint the Assistant Judge of the Zillah Court of Poonah to be Assistant to the Agent for Sirdars in the Deccan: the said Agent may refer to him original suits against Sirdars for not exceeding 5,000 Rupees. Within 30 days, decree of Assistant shall be open to Appeal to the Agent, and from him to Special Appeal to the Governor, or to the Sudder Adawlut, according to rank of Sirdar.

Be it enacted, that it shall be competent for the Governor in Council of Bombay, to appoint the Assistant Judge of the Zillah Court of Poonah, to be Assistant to the Agent for Sirdars in the

Deccan; and it shall be competent to the Agent for Sirdars to refer to his Assistant Original Suits against Sirdars for amounts not exceeding 5,000 Rupees—and in the trial of such suits the Assistant shall follow the same rules which are now applicable to the Agent, and every Decree of the Assistant shall be open to an Appeal to the Agent within (30) thirty days from the date of the Decree; and every decision of the Agent on such Appeal shall be open to a Special Appeal under the provisions of Chapter XXXII., Regulation IV. of 1827, of the Bombay Code, to the Governor in Council, or to the Sudder Adawlut, according as the rank of the Sirdar may subject him to the jurisdiction of either authority provided such last-mentioned Appeal shall be brought within (90) ninety days after the date of the decree of the Agent.

BOMBAY.—POLICE.

Act No. XX. of 1835.

[*Passed on the 23rd November*, 1835.

The Governor in C. of Bombay may invest the Mahalkarees, &c., with Police powers which shall be exercised according to rules in Clause 5, Regulation 12, 1827.

Repealed by Act XVII., 1862.

COPPER COINAGE.

Act No. XXI. of 1835.

[*Passed on the 7th December*, 1835.

1. The following Copper Coins only to be issued in Bengal, viz., (1) Pice, (2) Double Pice; (3) Pie, with devices to be fixed by the Governor-General in Council.

2 and 3. Pice a legal tender for $\frac{1}{64}$, double pice for $\frac{1}{32}$, and pie for $\frac{1}{192}$, of the Co.'s Rupee.

I. Be it enacted, that from the 20th day of December, 1835, the following Copper Coins *only* shall be issued from any Mint within the Presidency of Bengal:—

1. A pice weighing ..... 100 Grains Troy.
2. A double pice ..... 200 „
3. A pie, one twelfth of an anna piece $33\frac{1}{3}$ „

with such devices as shall be fixed for the same by the Governor

General in Council, according to the provisions of Section 10 of Act XVII. of 1835.

[The restriction contained in the above word "only" repealed by Act XI., 1854, s. 1.]

II. And be it enacted, that from the said 20th day of December, 1835, the said pice shall be legal tender for $\frac{1}{64}$ of the Company's Rupee, and the said double pice for $\frac{1}{32}$ of the Company's Rupee, and the said pie for $\frac{1}{192}$ of the Company's Rupee.

III. Provided always, that after the said 20th day of December, 1835, no Copper Coin shall in any part of the Territories of the East India Company be legal tender, except for fractions of a Rupee.

By Act VI., 1857, the Straits' currency is taken out of the operation of this Act.

Repealed by Act XIII., 1862, s. 1.

BOMBAY.—LIGHT-HOUSE FUNDS.

Act No. I. of 1836.

[*Passed on the 4th January*, 1836.

The funds raised at the Ports within the limits of the Gulph of Cambay for the support of a Light-House upon the Island of Peerim in that Gulph, may be applied to other purposes.

Repealed by Act XVII., 1858.

BOMBAY.—CUSTOMS DUTIES.

Act No. II. of 1836.

[*Passed on the 11th January*, 1836.

1. Regulation 3, 1834, of Bombay Code, repealed, except so far as it repeals preceding regulations.

2. One and a half per cent. import duty to be levied on articles mentioned in Appendix A, in addition to former Custom Duties.

3. Drawback allowed on exportation to the United Kingdom in British bottoms. Money paid after 1st January, 1827, for duties on wines or spirits, not to be recovered back again. Appendix.

Repealed by Act No. I. of 1838.

SALSETTE, BOMBAY.—CATTLE DUTY.

ACT No. III. OF 1836.

[*Passed on the 8th February*, 1836.

Duties now levied on import of Cattle into Salsette abolished.

INSOLVENT DEBTORS' ACT.

ACT No. IV. OF 1836.

[*Passed on the 22nd February*, 1836.

Insolvent Debtors' Act continued till 1st March, 1839.

BENGAL.—EXECUTIONS.

ACT No. V. OF 1836.

[*Passed on the 7th March*, 1836.

Zillah and City Judges may refer to the Principal Sudder Ameen applications for the enforcement of Decrees.

Repealed by Act X., 1861.

MADRAS.—CRIMINAL LAW.

ACT No. VI. OF 1836.

[*Passed on the 7th March*, 1836.

The Court by which any person has been committed under Section 22, Reg. 3, 1802, may liberate such person, if the confinement is deemed sufficient. No person to be confined under the said section more than two months.

It is hereby enacted, that it shall be lawful for any Court by which any person shall be or shall have been committed to custody under the authority of Section 22, Regulation III., 1802, of the Madras Code, to liberate such person when such Court shall be of opinion that the confinement has been sufficient for the punishment of his offence, and no person shall, under authority of the said section, be kept in custody for a term exceeding two months.

Repealed by Act XVII., 1862, as to parts where Code of Criminal Procedure is in operation.

BOMBAY.—MUNICIPAL TAXES.

Act No. VII. of 1836.

[*Passed on the 28th March,* 1836.

1. Acts done and levies made under Regulations 3 and 4 of 1817; 7 of 1818; 4 of 1821; 19, 20 and 21 of 1827; 15 of 1828; 20 of 1830; 2 and 13 of 1831; 1 and 10 of 1838, shall not be questioned.

2. Regulations 19 and 32 of 1827, shall constitute the Law for the Collection of the Taxes therein enumerated, &c.

I. Obsolete. II. Annulled by Act XXV., 1858.

BENGAL.—PERSONAL DISABILITIES AND PRIVILEGES.

Act No. VIII. of 1836.

[*Passed on the 28th March,* 1836.

1. No person, by reason of place of birth, or of descent, to be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff.

2. British-born subjects or their descendants to be subject to the same jurisdiction as others, in respect of all acts done by them as Principal Sudder Ameen, Sudder Ameen, or Moonsiff.

I. It is hereby enacted, that from the 31st day of March, 1836, no person whatever shall by reason of place of birth, or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the Territories subject to the Presidency of Fort William in Bengal.

II. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, be liable to the same proceeding, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals as if he were not of British birth or descent.

POWER TO ADMINISTER OATHS.

Act No. IX. of 1836.

[*Passed on the 11th April,* 1836.

Commanding Officer of any Military Station occupied by East India Company's Troops, competent to administer within the limits of the station the same Oath as any Justice of the Peace.

It is hereby enacted, that the commanding officer of any military station occupied by troops in the service of the East India Company, shall be competent to administer, within the limits of such military station, any Oath which a Justice of the Peace is competent to administer within the said Territories, and that such Oath shall, in all respects, be of the same effect as if taken within the said Territories before a Justice of the Peace.

BENGAL.—INDIGO CONTRACTS.

ACT No. X. OF 1836.

[*Passed on the* 11*th April*, 1836.

1. Repeals Clause 3, Section 5, Regulation 6, 1832.

2. Whenever the right to Indigo Plant is contested and an order made for delivery to one of the parties, the party shall not cut or remove the Indigo until he shall have given security to make good any claim which shall be ultimately established.

3. If any person knowing a ryot to have made a contract, under which money has been advanced to the ryot, shall prevail upon the ryot to break his contract, the party who made the advance shall be entitled to proceed by civil action to recover from the other party and ryot damages to the extent of the injury sustained. Provided that a person shall not be liable to an action in consequence of any act done to procure payment of a debt or performance of a lawful contract.

4. Plaintiff and Defendant may be examined; and compensation for expenses and loss of time be awarded, if award is for defendant.

5. Zillah or City Judge may refer to a Principal Sudder Ameen, or Sudder Ameen, any suit instituted under Regulation 6, 1823, or under this Act.

I. It is hereby enacted, that Clause Third, Section V., Regulation VI., 1823, of the Bengal Code, be repealed.

II. And it is hereby enacted, that whenever the right to Indigo Plant may be contested, and an order shall be passed, under the provisions of Clause Ninth, Section III., Regulation VI., 1823, of the Bengal Code, for the delivery of Indigo Plant to one of the parties claiming the same, such party shall not be allowed to cut or remove the Indigo Plant until he shall have given sufficient security to the satisfaction of the Court trying the case, to make good any claim that shall be ultimately established to such Indigo Plant, whether arising from a prior right to the produce of the land, or from an arrear of rent due on

account of the specific parcel of land from which the Plant may have been produced.

III. And it is hereby enacted, that when a lawful contract shall have been made between a ryot and another party, by which contract the ryot shall have bound himself to cultivate Indigo Plant for the other party, or to deliver Indigo Plant to the other party, and when the other party shall have advanced money to the ryot, for the purpose of enabling the ryot to fulfil such contract, then if any other person, knowing that such contract exists, and that such advance has been made, shall prevail upon the ryot to break such contract, the party who made the advance shall be entitled to proceed by civil action against the person who shall have so prevailed on the ryot, as well as against the ryot, and to recover from him or them, jointly or severally, damages to the extent of the injury sustained, together with costs of suit.

Provided always, that nothing in this Section contained shall be construed to give a right of action against any person in consequence of any act which that person may have done for the purpose of procuring payment of a debt, or performance of a lawful contract.

IV. And it is hereby enacted, that the Court trying any suit instituted under the provisions of Regulation VI., 1823, of the Bengal Code, or under the provisions of this Act, shall be authorized to examine both the plaintiff and the defendant whenever the Court shall deem such examination necessary to the ends of justice; and if the award be in favor of the defendant, to assign to the defendant a sum which may be a compensation to him for the expense and loss of time occasioned by the proceeding.

V. And it is hereby enacted, that it shall be competent to a Zillah or City Judge, to refer to a Principal Sudder Ameen, or Sudder Ameen, according to the amount of their respective jurisdictions, any suit, whether regular or summary, which may be instituted under the provisions of Regulation VI., 1823, or under the provisions of this Act, to be enquired into and decided by the said Principal Sudder Ameen, or Sudder Ameen, in the same manner, and under the same rules, as such suit may be enquired into and decided by a Zillah, or City Judge, any thing in the existing Regulations to the contrary notwithstanding.

BRITISH SUBJECTS' PRIVILEGES.

ACT No. XI. OF 1836.

[*Passed on the 9th May*, 1836.

1. Repeals section 107, of 53 George 3.

2. No person, by reason of place of birth or of descent, shall be exempt from jurisdiction of the Courts enumerated.

I. It is hereby enacted, that from the First day of June, 1836, the 107th Clause of an Act of Parliament, passed in the 53rd year of King George the 3rd, and entitled "An Act for continuing in the East India Company for a further term the possession of the British Territories in India, together with certain exclusive privileges:—for establishing further Regulations for the Government of the said Territories, and the better administration of justice within the same, and for regulating the trade to and from the places within the limits of the said Company's Charter," shall cease to have effect within the Territories of the East India Company.

II. And it is hereby enacted, that from the said day and within the said Territories, no person whatever shall, by reason of place of birth, or by reason of descent be, in any civil proceeding whatever excepted from the jurisdiction of any of the Courts hereinafter mentioned:—that is to say:—

The Court of Sudder Dewanny Adawlut—of the Zillah and City Judges—of the Principal Sudder Ameens—and of the Sudder Ameens, in the Territories, subject to the Presidency of Fort William in Bengal.

The Court of Sudder Adawlut—the Provincial Courts—the Courts of Zillah Judges—of the Assistant Judges—of the Registrars, and of the Native Judges in the Territories, subject to the Presidency of Fort St. George.

[Sudder Ameens and District Moonsiffs are added by Act 3, 1850.]

The Courts of Sudder Adawlut—of the Zillah Judges—of the Native Judges—and of the Principal and Junior Native Commissioners in the Territories subject to the Presidency of Bombay.

By Acts 24 of 1836, 3 of 1839, and 6 of 1843, the like provision is made in respect of the jurisdiction of Assistant Judges, the jurisdiction of the Revenue Courts, and that of the Courts of Moonsiffs.

FURRUCKABAD.—EXECUTIONS.

ACT No. XII. OF 1836.

[*Passed on the* 23*rd May*, 1836.

If the holder of a decree passed by the Nuwaub of Furruckabad is unable to obtain execution by the Nuwaub, the Zillah Court may execute it.

Repealed by Act XIII., 1860.

SILVER COINAGE.—SICCA RUPEES.

ACT No. XIII. OF 1836.

[*Passed on the* 23*rd May*, 1836.

1. Calcutta Sicca Rupee to cease to be legal tender from the 1st of January, 1838.

2. Repeals Section 5, Regulation 25, 1817. Pice struck at Benares and Furruckabad to be a legal tender only within those provinces. Proclamation.

I. It is hereby enacted, that from the First of January, 1838, the Calcutta Sicca Rupee shall cease to be a legal tender in discharge of any debt, but shall be received by the Collectors of Land Revenue, and at all other Public Treasuries by weight, and subject to a charge of 1 per cent. for re-coinage.

II. And it is hereby enacted, that from the first of June, 1836, Section V., Regulation XXV., 1817, of the Bengal Code, which provides that "the Pice struck at the Mints of Benares and Furruckabad, agreeably to the provisions of Regulations X., 1809, and Regulation VII., 1814, and Regulation XXI., 1816, shall be considered as circulating equally with the Pice of Calcutta coinage throughout the Provinces of Bengal, Behar, and Orissa, and shall in like manner be received as a legal tender in payment of the fractional parts of a Rupee of the local currency at the rate of 64 Pice for each Rupee," shall be repealed—and the said Pice shall be a legal tender only within the provinces and places for which they were respectively coined, as priovded by Regulation X., 1809, Regulation VII., 1814, and Regulation XXI., 1816, respectively.

FORT WILLIAM, FINANCIAL DEPARTMENT, THE 23RD MAY, 1836.

The Right Honorable the Governor General in Council having this day passed an Act, whereby it is declared that after the First

of January, 1838, the Calcutta Sicca Rupee shall cease to be a legal tender in payment of any debt or demand, but shall be received at the Public Treasuries as Bullion by weight and subject to a seignorage duty of 1 per cent. to pay the expense of recoinage,—Notice is hereby given, that the holders of Calcutta Sicca Rupees shall be entitled until the said date to pay the same into the General Treasury of Calcutta, and to receive in exchange new or Company's Rupees coined under the provisions of the Act No. XVII. of 1835, at the rate of 16 new or Company's Rupees for every 15 Calcutta Sicca Rupees of due weight. The Collectors of Land Revenue will be furnished with the means of similarly exchanging Calcutta Sicca Rupees for new Rupees, and Notice will be given by the Collector in each District of the date from which the exchange will commence at his Treasury. The period to be allowed being in no instance less than three months.

The Right Honorable the Governor General of India in Council having repealed Section V., Regulation XXV., 1817, under which the privilege of circulation in Bengal and Behar at the rate of 64 Pice to the local rupee was given to the Trisoolee Pice of Benares, it is hereby notified to the holders of Pice of this description, that on delivery of the same at the Calcutta Mint, if of proper weight and not manifestly spurious, they shall receive for every 720 Pice paid in, 640 new Company's Pice, coined under the Act No. XXI., of 1835, until the 1st of July next, but the Mint Officers will not receive Pice in smaller quantities than above stated, that is, of the value of Ten Rupees for each exchange, and they shall be at liberty to reject as spurious any Pice not of due weight and device, or manifestly not coined at a Government Mint.

BENGAL.—CUSTOMS DUTIES.

ACT No. XIV. OF 1836.

[*Passed on the* 30*th May*, 1836.

1. Regulations imposing Transit and Town Duties in the interior and fixing rates of Import Duty on Sea Goods repealed. Except as regards the Jumna and any Frontier Line, and duties on Western Salt.

2. Import Duties to be levied according to Schedule A. annexed.

3. Export Duties to be collected on Country Goods according to Schedule B. annexed.

4. No Goods entered therein as liable to duty, to be exempted, except by order of Government. But the Collector may pass Baggage belonging to passengers at his discretion.

5. Existing Rules to be enforced for levying the new Import and Export Duties.

6. Place may be fixed by Governor of Bengal, beyond which an inward bound Vessel is not to proceed until a Manifest has been delivered to Pilot, to be forwarded.

Master to be responsible for its correctness under penalty of Rs. 1,000.

Goods in excess, or not corresponding with Manifest, to be seized and confiscated, or charged with increased Duties.

The Masters of Vessels lying below place fixed by Governor of Bengal, to deliver Manifests on coming to anchor.

If remaining at anchor 24 hours without sending Manifest to be subject to penalty of 1,000 Rupees.

7. No Vessel to break bulk unless two copies of Manifest has been received: order to break bulk may be refused until port-clearances, &c., from place from which the ship has come are delivered.

8. Collector may send Custom House Officer on board any Vessel; who shall remain on board till she sails.

9. Persons refusing to admit Custom House Officers, or not giving them proper accommodation, liable to Fine not exceeding 500 rupees.

10. Collector may order a vessel to be searched.

Bulkheads to be broken open if not opened on requisition.

Any concealed Goods to be confiscated.

Resistance or refusal of Masters punishable with fine of 1,000 rupees.

11. Goods not to be landed or put on board till entry of the Ship is duly made.

Cargo to be sent ashore and laden outwards according to existing Forms.

12. Goods unmanifested not to be landed in ordinary form; but to be seized on board.

Master to be answerable that all Goods manifested are forthcoming and duly passed, under Penalty of 500 rupees for each missing package of unknown value, or double Duty if assessible.

Rule for presenting an amended or supplemental manifest.

13. Custom House Officers taking unauthorised Fees or Bribes subject to penalty of 500 Rupees.

Same penalty on persons offering fees or bribes.

14. Collector to investigate and adjudge confiscation.

Board's confirmation necessary.

15. Twenty or thirty days allowed to clear inwards, according to tonnage.

After which time the Master shall pay charges of Custom House Officer.

Master to land Goods if Consignees do not.

If these fail to do so Collector may land and warehouse.

And may land packages before twenty days with consent of Master.

16. Further period of 15 or 20 days for continuous lading for export.

If the Vessel be laid up, Tide Waiter to search and leave, certifying that it is empty.

20 and 30 days, according to tonnage, allowed for lading a vessel outwards, after being laid up, but search and certificate that nothing is on board necessary

17. When penalty has been incurred by a Master, the Collector may refuse Port Clearance of the Vessel till it be paid.

18. Goods shipped after Port Clearance to pay double duty, and 5 per cent. if free of duty.

19. In case of re-landing for damage, &c., Officer to proceed on board to watch. Bad Cargo not to be exempt from Duty on re-export unless all the while in charge of Custom House Officers.

Proviso for re-importation when Duties and Drawbacks are to be refunded.

And Master to forfeit the value of Drawback. Goods not forthcoming.

20. No refund of Export Duty after Port Clearance.

21. Arab and other foreign Asiatic Vessels to be deemed foreign.

22. Dhoonies, &c., to be required to anchor in a particular part of the River.

Penalty if not moved to said Ghat when required, 100 Rupees.

Vessel, its Equipment or Cargo may be seized.

Dhoonies, &c., from Maldives and Nicobars to be British Vessels.

Repealed by Act VI., 1863, s. 2.

SUBATHOO AND ANNEXED TERRITORIES.

ACT No. XV. OF 1836.

[*Passed on the* 13*th June*, 1836.

The Functionaries in political charge of Subathoo shall be under the control in civil cases of the Sudder Dewanny Adawlut at Allahabad, subject to instructions from the Governor General of India in Council.

Repealed by Act XXXII., 1850.

MADRAS.—VAKEEL.—IN COMMISSIONER'S OFFICE.

ACT No. XVI. OF 1836.

[*Passed on the* 20*th June*, 1836.

1. The Additional Government Commissioner appointed by Regulation of 1833, may nominate a Vakeel in his Office, who, if approved, shall receive a Sunnud of appointment.

2. The said Commissioner may suspend his Vakeel, reporting his reasons.

3. The Provincial Court may dismiss any such Vakeel.

4. The said Commissioner shall frame a body of rules for the practice and remuneration of the Vakeels.

5. None to Act as Vakeels, but those appointed in manner directed by this Act.

I. It is hereby enacted, that from the 1st day of August, 1836, it shall be lawful for the Additional Government Commissioner appointed by Regulation IV. of 1833, of the Madras Code, to nominate for the approbation of the Provincial Court of the Centre Division any person whom the said Commissioner may think fit to be a Vakeel in the Office of the said Commissioner; and if the Provincial Court shall approve of such nomination, the person nominated shall be appointed a Vakeel in the Office of the said Commissioner, and shall receive a Sunnud of appointment on unstamped paper, duly authenticated by the said Commissioner.

II. And it is hereby enacted, that it shall be lawful for the said Commissioner to suspend any such Vakeel from his functions, but in every such case, the said Commissioner shall forthwith report such suspension and the ground thereof to the said Provincial Court.

III. And it is hereby enacted, that it shall be lawful for the said Provincial Court to dismiss any such Vakeel.

IV. And it is hereby enacted, that the said Commissioner shall frame with all convenient speed, a body of rules for the practice and remuneration of the Vakeels of his Office, and shall submit the same to the Court of Sudder Adawlut of Fort St. George, and that the said rules, when approved by the said Court of Sudder Adawlut, shall be of the same force as if they were inserted in this Act.

V. And it is hereby enacted, that no person not appointed a Vakeel in the manner directed by this Act, or under suspension, or after dismission, shall act as a Vakeel in the Office of the said Commissioner.

TERRITORIES OF BEGUM SUMROO.

Act No. XVII. of 1836.

[*Passed on the 20th June*, 1836.

1. When any of the Territories lately held by the Begum Sumroo shall be annexed to any district, the laws in force in the district shall be in force in such Territories also.

2. The Criminal Courts shall not take cognizance of any offence committed in such Territories until specially empowered.

3. No Civil Court to take cognizance of any claim if previously adjudicated upon by a Court competent to pronounce a decision.

An obsolete Act.

BOMBAY.—TOLLS.

ACT No. XVIII. OF 1836.

[*Passed on the 5th September*, 1836.

Repealed together with Regulations IX. of 1830, and XI. of 1831, by Act No. II. of 1837, and the last-mentioned Act by Act No. VIII. of 1851, by which other Tolls are established.

BANK OF BENGAL.

ACT No. XIX. OF 1836.

[*Passed on the 19th September*, 1836.

I. It is hereby enacted, that from the day of the passing of this Act any person may hold Capital Stock of the Bank of Bengal to an amount not exceeding 1,60,000 Company's Rupees, and that any existing Proprietor of Stock of the said Bank, may subscribe for additional Stock of the said Bank in proportion to his interest, any restriction in the Charter of the said Bank contained notwithstanding.

II. And it is hereby enacted, that the sum of 70 lacs of Sicca Rupees which is the increased Capital Stock of the said Bank, shall, on or before the 1st October, 1836, be made up by the Governor General of India in Council, to the sum of 75 lacs of Company's Rupees.

III. And it is hereby enacted, that the said sum of 75 lacs of Company's Rupees shall, from the first day of October, 1836, be the Capital Stock of the said Bank, and shall be divided into 1,875 Shares of 4,000 Company's Rupees each.

IV. And it is hereby enacted, that 275 of the said Shares, numbered from 1 to 275 inclusive, shall be the property of the

Governor General of India in Council, on behalf of the East India Company, and that the remaining 1,600 Shares, numbered from 275 to 1,875 inclusive, shall be the property of those persons who on the said 1st of October, 1836, shall be Proprietors of the Capital Stock of the said Bank, and that every such Proprietor shall, for every sum of Sicca Rupees 3,750 of Stock of the said Bank held by him, be entitled to one of the said Shares.

V. And it is hereby enacted, that on the 30th of September, 1836, the account of the Profits upon the Capital Stock of the said Bank as consisting of 50 lacs of Sicca Rupees, divided into 500 Shares, shall be wound up and a dividend declared; and that from the 1st of October, 1836, the holders of the new Shares of 4,000 Company's Rupees each, shall be entitled to shares in the Profits of the Bank in proportion to their interest, and that the first dividend on the said new Shares shall be declared on the 1st of January, 1837.

VI. And it is hereby enacted, that if the subscription for any Share shall not be paid up on or before the 1st of October, such Share shall become the property of the said Bank, and shall be sold for the benefit of the said Bank, and the profits of such sale shall be added to the profits of the said Bank.

VII. And it is hereby enacted, that certificates shall be granted for the said Shares of 4,000 Company's Rupees each, in the same manner in which certificates have hitherto been granted for Shares of the Capital Stock of the said Bank; and that the said Shares of 4,000 Company's Rupees each shall be registered and shall be transferable and assignable, in the same manner in which Shares of the Capital Stock of the said Bank have hitherto been.

VIII. And it is hereby enacted, that the said Shares of 4,000 Company's Rupees each, may be sub-divided into Quarter Shares of 1,000 Company's Rupees each, and that such Quarter Shares may be assigned, transferred, and reunited, in the same manner in which fractional parts of Shares of the Capital Stock of the said Bank have hitherto been assigned, transferred, and reunited.

IX. And it is hereby enacted, that the Proprietors of the Capital Stock of the said Bank shall, from the 1st day of October, 1836, be entitled at their meetings, to vote according to the following scale:—

1	Share of 4,000 Co.'s Rs. shall entitle to . .	1 Vote.
5	Shares	2 Votes.
10	„	3 „
15	„	4 „
20	„	5 „
30	„	6 „
40	„	7 „

Act No. VI. of 1839, rescinds the above, and Act No. XXIV. of 1838, save as to such particulars as are therein mentioned.

BENGAL.—REVENUE SALE LAW.

Act No. XX. of 1836.

[*Passed on the* 19*th September*, 1836.

1. Repeals part of Clause 3, Section 3, Regulation 11, 1822.

2. No Butwarra while in progress shall be quashed by Board of Revenue, except as herein provided.

3. Board may give six months' notice of intention to quash any Butwarra. Notice to be affixed in office of Collector and Moonsiff. Butwarra may be quashed if not objected to within six months.

4. Legalizes acts done before 1st October 1836.

I. It is hereby enacted, that from the 1st day of October, 1836, so much of Clause 3, Section III., Regulation XI., of 1822, of the Bengal Code, as provides, " that Joint Estates shall not be liable to sale of arrears that may accrue during the progress of a Butwarra or Partition, until the expiration of the year within which the arrear may become due "—be repealed.

II. And it is hereby enacted, that from the said 1st day of October, 1836, no Butwarra while in progress, shall be quashed by the Board of Revenue, or by any officer invested with the powers of the said Board, except as hereinafter provided.

III. And it is hereby enacted, that it shall be lawful for the said Board, or for any of the said Officers, to give six months' notice in writing of an intention to quash any Butwarra; and such notice shall be affixed at the offices of the Collector of the District, and Moonsiff of the jurisdiction, within which the lands under partition, or part of those lands, may be situated: and if within six months after such notice, no party to the said Butwarra,

shall deliver to the said Collector a written declaration, that he the said party objects to the quashing of the said Butwarra, it shall be lawful for the said Board, or the said Officer, to quash the said Butwarra.

IV. And it is hereby enacted, that every Butwarra, which, before the said 1st day of October, 1836, may have been quashed by the said Board, or by any of the said Officers, shall be taken by all Courts to have been lawfully quashed.

Repealed by Act XIX., 1863, so far as relates to the N. W. Provinces.

Act XI., 1859, is the latest and principal Act relating to sales of Zemindaries for arrears of Revenue, and it gives sharers the right to have their shares separately assessed, and provides for their partition in a summary manner.

BENGAL.—CREATION OF ZILLAHS.

Act No. XXI. of 1836.

[*Passed on the* 19*th September*, 1836.

The G. G. in C. may, by order in Council, create New Zillahs, and alter the limits of existing Zillahs.

It is hereby enacted, that from the 1st day of October, 1836, it shall be lawful for the Governor General in Council, by an Order in Council, to create new Zillahs in any part of the Presidency of Fort William in Bengal, and to alter the limits of existing Zillahs.

BENGAL.—EASTERN CANAL TOLLS.

Act No. XXII. of 1836.

[*Passed on the* 26*th September*, 1836.

1. Repeals Regulation 7, 1810, and such parts of Regulation 18, 1806, as relate to the Eastern Canal called Tolly's Nullah.

2. Governor of Bengal may prescribe the amount of Toll on boats, &c., entering on or passing out of a through the Eastern Canal or either of two specified lines.

3. Toll not to exceed amounts in this section specified.

4. The said Governor may fix a rate of rent to be levied on every boat which shall remain in any part of the line longer than two days, not exceeding amount specified.

5. The said Governor may appoint Officers to collect the Tolls and to prevent obstructions and injuries.

6. Whoever wilfully causes any obstruction or damage, shall be punishable with imprisonment not exceeding 14 days, or fine not exceeding 50 rupees or both, and in default of payment fourteen days further imprisonment.

7. Notifications of the rates of Toll and Rent and places of Collection and of all rules to be published in the Calcutta Gazette and exposed at every Toll-house in English, Persian, and Bengalee.

8. If the Toll or Rent is not paid on demand, the boat, raft, or cargo may be seized and sold after ten days, unless paid in the interval; the excess raised by sale, after payment of expenses to be returned to the owner.

9. If any person in charge of any boat, &c., attempt to evade payment, or resists seizure, such boat, &c., shall be forfeited.

Amended by Act X., 1853, and amended and extended by Act XV., 1863.

1. It is hereby enacted, that from the First day of November, 1836, Regulation VII. of 1810, of the Bengal Code, and also such parts of Regulation XVIII. of 1806, of the Bengal Code, as relate to the Eastern Canal, commonly called "Tolly's Nullah," which connects the River Hooghly with the Sunderbunds, shall be repealed.

II. And it is hereby enacted, that from the said First day of November, 1836, the Governor of Bengal shall be competent to prescribe the amount of Toll, and the mode of levying the same, on boats, rafts and floats, which shall enter on, or pass out of, or through, either of the two lines of navigation hereinafter described —that is to say:—

1st.—The Eastern Canal aforesaid from its entry into the Sunderbunds, to its junction with the River Hooghly.

2nd.—The line made up of the Channel across the Salt-water Lake to Baminghatta, of the Canal leading from the Salt-water Lake to the Boitakhana Road, and of the new Circular Canal which connects the last-mentioned Canal with the River Hooghly.

III. Provided always, that the aggregate amount of Toll levied on account of the whole passage along either of the two lines aforesaid, or on account of entering into, or passing out of, either of the two lines aforesaid, shall in no case exceed one Rupee and a half for every hundred Maunds burden on any boat, or two Annas for every timber, on every raft of timber, or four Annas for every hundred bamboos, on every float of bamboos.

IV. Repealed by Act X. of 1853.

V. And it is hereby enacted, that the said Governor shall be competent to appoint Officers for the collection of the Tolls and Rent herein before mentioned, and to confer on such Officers, for the purpose of preventing acts whereby either of the said lines of navigation may be obstructed, or whereby the banks along either of the said lines of navigation may be damaged, any or all the powers possessed by Magistrates in respect to navigable Streams and Rivers.

VI. And it is hereby enacted, that whoever wilfully causes any obstruction of either of the said lines of navigation, or any damage to the banks along either of the said lines of navigation, shall be punishable, on conviction before the Magistrate, with imprisonment for a term not exceeding fourteen days, or fine to an amount not exceeding 50 Rupees, or both; and in default of payment of such fine, with additional imprisonment for fourteen days.

VII. And it is hereby enacted, that Notification of the rates of Toll and Rent, and of the places of collection, and of all Rules made by the said Governor under the authority given to him by this Act, shall be published in the Calcutta Gazette, and exposed to public view at every Toll-house on either of the said lines, in the English, Persian, and Bengalee tongues.

VIII. And it is hereby enacted, that if the Toll or rent due in respect of any boat, raft, or float, on either of the said lines, shall not be paid on demand to an Officer authorised by the said Governor to receive the same, it shall be lawful for such Officer to seize such boat, raft, or float, and the cargo thereof, and to detain the same, and if the said Toll or Rent shall have been paid upon any day before the tenth day after such seizure, then the said boat, raft, or float shall be released, or if not paid within the said ten days, it shall be lawful for such Officer, with the sanction and under the directions of the Superintendent of Canals, to sell the Property seized, or so much thereof as the said Superintendent shall direct, for the purpose of satisfying the Toll or Rent which may be due, and also of defraying the expenses of seizure and detention; and in every such case, so much of the property seized which has not been sold, and so much of the price of the property sold as is in excess of the sum necessary for satisfying the Toll or Rent which is due, and for defraying the expenses of seizure and

detention, shall be returned to the owner of the boat, raft, or float.

IX. And it is hereby enacted, that if any person in charge of any boat, raft, or float shall attempt to evade payment of the Toll or Rent due thereon or shall resist a seizure made by the authority and under the circumstances hereinbefore described, such boat, raft, or float, and the cargo thereof, shall be forfeited to the Government under orders of the Superintendent, subject to appeal to the Commissioner of Revenue and Police.

MADRAS.—THE ZEMINDAREES OF GOOMSUR AND SOORADA.

ACT No. XXIII. OF 1836.

[*Passed on the* 10*th October*, 1836.

1. The ordinary functions of the Courts of Justice suspended, until revived by proclamation.

2. The Governor of Fort St. George may appoint a Commissioner, with powers to be derived from the said Governor in Council.

3. This Act not to affect the jurisdiction of the Court of Circuit or Sudder Foujdaree Adawlut in cases pending.

4. Court of Circuit and of Sudder Foujdaree Adawlut may have criminal jurisdiction over persons committed by Commissioner for trial.

Repealed by Act XXIV., 1839, s. 1.

NAMES OF OFFICE.—MADRAS AND BOMBAY.

ACT No. XXIV. OF 1836.

[*Passed on the* 10*th October*, 1836.

1. Officers designated in the Regulations of Fort St. George as Native Judges shall be designated as Principal Sudder Ameens.

2. Ditto as to the Bombay Presidency; and Principal Native Officers and Junior Native Commissioners, to be respectively designated as Sudder Ameens and Moonsiffs.

3. Every British-born subject, or descendant, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, in the Presidencies of Fort St. George or Bombay, shall, in respect of his official acts, be amenable to the jurisdiction of the same tribunals as if he were not of British origin.

4. No person shall, by reason of place of birth or of descent, be exempted from the jurisdiction of the Assistant Judge of Bombay.

I. It is hereby enacted, that the Officers who in the Regulations of the Presidency of Fort St. George are designated as Native Judges and Criminal Judges, shall, from the 1st day of November, 1836, be designated as Principal Sudder Ameens.

II. And it is hereby enacted, that from the said First day of November, 1836, the Officers who in the Regulations of the Presidency of Bombay are designated as Native Judges, shall be designated as Principal Sudder Ameens; and the Officers who in the said last-mentioned Regulations are designated as Principal Native Commissioners, shall be designated as Sudder Ameens, and the Officers who in the said last-mentioned Regulations are designated as Junior Native Commissioners, shall be designated as Moonsiffs.

III. And it is hereby enacted, that from the said First day of November, 1836, no person whatever shall, by reason of place of birth, or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the Territories subject to the Presidency of Fort St. George and of Bombay.

IV. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, in the Territories subject to the Presidency of Fort St. George or of Bombay, shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, be liable to the same proceedings, as well Criminal as Civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

V. And it is hereby enacted, that from the said First day of November, 1836, no person shall, by reason of place of birth, or by reason of descent, be exempted in any Civil proceeding from the jurisdiction of the Assistant Judges in the Territories subject to the Presidency of Bombay.

PUBLIC WAREHOUSING ACT.

Act No. XXV. of 1836.

[*Passed on the* 31*st October*, 1836.

1. Government of Presidencies to declare Warehousing Ports.
2. Importers may then Warehouse.

3. Making application in Form A. annexed. Goods first to be assessed for Customs Duty. Warehouse-keeper to be answerable for weight or gauge of the Customs House allowing for wastage.

4. Misdescription of Tale Goods or Packages to injury of revenue, punishable by fine of ten times the loss. Error of over-statement may be rectified before, not after entry into Warehouse.

5. Packages to be marked and numberd before reception into Warehouse.

6. When the Duty exceeds 100 Rs. Bond may be executed for it in Form B. And Goods may then remain in Warehouse for fifteen months without demand of Duty. Bond to be for twice the Duty and to bear interest from the date of demand. The Obligee to be bound for all duties and charges claimable on the Goods and for all penalties.

7. But Collector to have power to proceed against the goods or under the Bond at his option. And to detain Goods and sell after ten days if the demand be not paid. Proceeds of Sale to be written off on the Bond, and surplus paid over to the Owner of the Goods. No transfer to bar this process.

8. After fifteen months the Board may renew the Bond for other fifteen months.

9. Goods re-landed from a Vessel put back may be Warehoused without Bond and re-shipped under the previous Settlement of Duties. Exception.

10. Reserved Duty on re-export to be chargeable on removal of Goods for Shipment, and Bonds to be cancelled on payment thereof

11. On removal, otherwise than for re-export, or if not cleared in time, full Import Duty to be levied with interest and charges. And Collector may cause Goods to be sold in satisfaction if not paid in ten days.

12. Removal of Goods to be noted in the Bond with particulars.

13. And the same particulars to be Registered in the Register of Bonds. When Registry shows all the Bonded Goods to have been cleared out, Bond to be cancelled and returned to the Obligee.

14. The Custom House Godowns and other Government Godowns to be Public Warehouses. These to be under the Collector's or Warehouse-keeper's key.

15. Board to determine what Goods are to be receivable into Public Warehouse, and the terms and rates of Warehouse rent or hire. Table of Rates to be exposed conspicuously.

16. Owners to have access to their Warehoused Goods, attended by a Custom House Officer during business hours.

17. Expenses of carriage, packing, &c., are to be borne by the Owners, and to be realized as Customs Duties. Bill for Rent to be sent in monthly, and if not paid in ten days Goods may be sold in satisfaction. Collector not answerable for loss by fire or other accident, nor for damage.

18. Wastage to be allowed as per Table.

19. Board may License any Private Warehouses. License to be revocable at pleasure unless otherwise stipulated.

20. Applications for License for Private Warehouses to be in Form C., with particulars filled up.

21. Collector or Warehouse-keeper to have access to all Licensed Warehouses for himself and his Officers. Proprietors refusing admittance subject to penalty of 1,000 Rs. and withdrawal of Licence. Bonds for Duty to be put in suit seven days after notice of such penalty or of withdrawal of Licence.

22. If Goods be found deficient beyond the wastage allowance at time of delivery from Warehouse, Owner to forfeit ten times the Duty on the Deficiency. If found excessive ten times the Duty to be paid on the excess, and Goods to be detained till paid.

23. Collector of Customs may issue Warrant for breaking Packages to search and examine Goods. When re-packed to be sealed and seal not to be re-broken without sanction of Board, except under application from Proprietor. Then to be re-sealed.

24. Goods to be stamped on reception into or delivery from Warehouse. The stamp not to be removed or effaced without sanction of Collector, under Penalty of 500 Rupees on conviction before a Magistrate. But Owners may be allowed by the Collector to take samples.

25. Goods not to be removed from Warehouse without being passed through the Custom House.

26. If a Package be broken, Duty to be levied on all the Goods contained therein.

27. Applications to remove Goods to be made in form D. And twenty-four hours' Notice to be given of removal.

28. Goods may be removed from one Warehouse to another, application being made in Form E.

29. No Duty to be levied on Goods destroyed by fire or other accident; and if damaged, Duty to be levied on the damaged value.

30. Penalties under this Act to be adjudged by the Collector of Customs subject to confirmation by the Board, or other superior authority of Customs.

Repealed by Act VI., 1863, The Consolidated Customs Act.

GOVERNOR GENERAL'S CAMP.—POLICE.

Act No. XXVI. of 1836.

[*Passed on the 7th November*, 1836.

1. The Governor General of India in Council may appoint a Superintendent of the Police of the Camp whenever the Governor General or Commander-in-Chief of all the Forces in India, or the Lieutenant Governor of the North West Provinces shall pass, &c., attended by a Camp.

2. Such Superintendent to have concurrent jurisdiction with the Magistrate of the Zillah or City.

3. The Magistrate shall give effect to a commitment or sentence by such Superintendent, upon a copy thereof being transmitted to him.

4. All Officers shall be assistant to the Superintendent.

I. It is hereby enacted, that as often as the Governor General of India, or the Commander-in-Chief of all the Forces in India, or the Lieutenant-Governor of the N. W. P., shall pass through any part of the Territories of the East India Company, attended by a Camp, it shall be lawful for the Governor General of India in Council, by an order in Council, to appoint a Superintendent of the Police of such Camp.

II. And it is hereby enacted, that with respect to all Offences committed in any such Camp, or on the line of march between the Stations of any such Camp, such Superintendent shall have concurrent Criminal jurisdiction with the Magistrate of the Zillah or City, within which such Offence shall have been committed.

III. And it is hereby enacted, that as often as the said Superintendent shall, by virtue of the powers conferred on him by the preceding Clause, commit any person for trial before the Sessions Court, or sentence any person to imprisonment, it shall be lawful for the said Superintendent to transmit such person to the Magistrate of the Zillah or City where the Camp shall then be, with a copy of the commitment or sentence, under the hand of him, the said Superintendent, and the said Magistrate shall give effect to such commitment or sentence.

IV. And it is hereby enacted, that all Officers subordinate to the Magistrate of the Zillah or City where such Camp shall be, shall be assisting to the said Superintendent in the exercise of the powers conferred on him by this Act, in the same manner as they are bound to be assisting to the said Magistrate.

MADRAS.—VAKEELS AND PLEADERS.

ACT No. XXVII. OF 1836.

[*Passed on the 7th November*, 1836.

1. Repeals Regulation 5, 1817.

2. Candidates for the situation of Vakeel in the Courts of Adawlut shall be appointed under section 3, Regulation 18, 1814, and the qualifications of Candidates shall be ascertained by examination before Law Officers, under section 3, Regulation 11, 1802, and clause 2, section 3, Regulation 7, 1822.

The admission of Pleaders is now regulated by Act I. of 1848.

Repealed by Act XI., 1864. Sed query as to effect of repeal, see s. 1.

MADRAS.—MUNICIPAL ASSESSMENTS.

ACT No. XXVIII. OF 1836.

[*Passed on the 7th November*, 1836.

1. No assessment made by Justices under 33 Geo. 3, Clause 52, shall be levied until approved by Governor in Council.

2. Governor in Council may exempt any District from payment of any assessment.

Repealed by Act. XXVI., 1856.

MADRAS.—SUDDER AMEENS' FEES.

ACT No. XXIX. OF 1836.

[*Passed on the 14th November*, 1836.

1. Court of Sudder Adawlut may, with the sanction of the Governor, augment or diminish the number of Sudder Ameens.

2. Fees of Registry of Zillah Courts and of Sudder Ameens for Judicial duties abolished; but not fees for the Registry of Deeds.

I. It is hereby enacted, that from the 1st day of December, 1836, it shall be competent to the Court of Sudder Adawlut of Fort St. George, with the sanction of the Governor in Council, to augment or diminish at discretion the number of Sudder Ameens within that Presidency.

II. And it is hereby enacted, that such parts of any of the Regulations in force as authorize the Registrars of the Zillah Courts and Sudder Ameens within the Presidency of Fort St. George, to receive any fee or commission for Judicial duties performed by them, be repealed. Provided always, that this rule shall not be construed to prohibit the receipt of fees for the Registry of Deeds.

THUGGEE.

ACT No. XXX. OF 1836.

[*Passed on the 14th November*, 1836.

1. Whoever shall be proved to have belonged to any gang of Thugs, shall be imprisoned for life with hard labour.

2. Every person accused of the offence herein made punishable, may be tried by any Court which would have been competent to try him, if his offence had been committed within the Zillah.

3. No Court shall require a Futwa from any Law Officer, on any trial under this Act.

I. It is hereby enacted, that whoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of Thugs, either within or without the Territories of the East India Company, shall be punished with imprisonment for life with hard labour.

II. And it is hereby enacted, that every person accused of the offence made punishable by this Act, may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits, any thing to the contrary in any Regulation contained notwithstanding.

III. And it is hereby enacted, that no Court shall, on a trial of any person accused of the offence made punishable by this Act require any Futwa from any Law Officer.

Amended by Acts XXIV. of 1843, and X. of 1847, and extended to persons concerned in perpetration of Dacoity.

Repealed by Act XVII., 1862, as to parts where Code of Criminal Procedure is in operation.

MADRAS.—GOVERNMENT GRANTS.

ACT No. XXXI. OF 1836.

[*Passed on the 28th November*, 1836.

Regulation 4, 1831, relating to Grants of Money or Land Revenue made by the British Government, shall be extended to similar grants made originally by any Native Government, and afterwards confirmed or continued by the British Government.

It is hereby enacted, that the provisions of Regulation IV. of 1831, of the Madras Code, relating to Grants of Money or Land Revenue made by the British Government, shall be extended to all similar grants within the Territories subject to the Presidency of Fort St. George, which, having been made by any Native Government, have been confirmed or continued by the British Government.

BENGAL.—IMPORTATION OF FOREIGN SUGAR.

ACT No. XXXII OF 1836.

[*Passed on the 28th November*, 1836.

1. If any person lands or attemps to land in Bengal Sugar not the growth of a British possession into which Foreign Sugar cannot legally be imported, such Sugar shall be seized and confiscated, unless the district into which such Sugar is landed be a district in which the Governor General in Council has authorized the importation of such Sugar.

2 and 3. Any owner of Sugar, the produce of the Territories subject to the Bengal Presidency, desiring to obtain a Certificate of origin, shall, in the presence of the officer from whom he desires to obtain such Certificate, make a declaration in the firm A. contained in the Schedule; or in the form B. if the district be one into which the Governor General in Council has not authorized the importation of Foreign Sugar or Sugar the growth of any British possession into which Foreign Sugar can be legally imported.

4 and 5. Every person intending to ship Sugar from any place within the said Territories for the United Kingdom, may produce to the Collector of Customs or other authorized officer at that place, such a Certificate as aforesaid, and, in the presence of such Collector, make a Declaration in the form C., whereupon such Collector shall grant a Certificate in the form D.

6. Any person knowingly in any such declaration affirming an untruth, shall, on conviction thereof before such Court as would be competent to try such person for perjury, be fined not exceeding 5,000 Rupees, and imprisoned not exceeding 2 years.

Schedules A. B. C. D.

Repealed by Act XIX. of 1854.

CALCUTTA.—JUSTICES OF THE PEACE.

ACT No. 1 OF 1837.

[*Passed on the 6th February*, 1837.

Any one J. P. for Calcutta may issue a Warrant of Distress for arrears of Assessment under the 33 George 3, Cap. 52.

It is hereby enacted, that from the 1st day of March next, it shall be lawful for any one Justice of the Peace for the Town of Calcutta, to issue a Warrant of Distress for the recovery of Arrears of Assessment accruing under the Act of Parliament 33 George III., Cap. 52, and every such Warrant shall have the same force as if it were under the hands and seals of two such Justices.

Act No. IV. of 1835, gives to one Justice all powers whatever in Criminal

Cases, which may be exercised by two Justices of the Peace for the Town of Calcutta. And Act IX. of 1839, extends this Act to Madras.

BOMBAY.—BHORE GHAUT TOLLS.

Act No. II. of 1837.

[*Passed on the 6th February*, 1837.

1. Repeals Reg. 9, 1830, and Reg. 11, 1831, and Act XVIII., 1836.

2. Enacts the Rates of Tolls on Vehicles and Animals.

3. The Governor in Council of Bombay may appoint persons for the collection of the Tolls, who shall be under the same responsibility as Collectors of the Revenue.

4. Toll Collectors, in case of non-payment of Toll, may stop sufficient property to discharge the Toll. Police Officers shall assist the Toll Collectors.

5. If Toll remains unpaid 24 hours after seizure of property, the duly authorised Officer may direct the sale of the property, and reserve the amount of the Toll, and a fine not exceeding 5 Rupees; the surplus to be paid to the owner of the property.

6. The owner of the property not to be deprived of his right of action in the Zillah Court for injury done under color of this Act.

7. This Act not to prevent the Governor in Council of Bombay from granting any exemption from Tolls, or granting a form of Tolls.

Repealed by Act VIII. of 1851, which enables Government to impose Tolls.

BENGAL.—SUDDER COURT.

Act No. III. of 1837.

[*Passed on the 12th March*, 1837.

That each of the Courts of S. D. A. may direct that any original suit or appeal brought before any Zillah or City Court, subordinate to such Court of S. D. A., shall be transferred to any other Zillah or City Court subordinate to the same Court of S. D. A.

2. Whenever such transfer of any suit shall be made, the Court shall record the reason of the transfer in its proceeding.

Repealed by Act X., 1861, as to parts to which the Code of Civil Procedure applies.

I. It is hereby enacted, that it shall be lawful for each of the Courts of Sudder Dewanny Adawlut, within the Territories subject to the Presidency of Fort William in Bengal, to direct by an order authenticated by the official signature of the Registrar of such Court of Sudder Dewanny Adawlut, that the Cognizance of any Original Suit, or of any Appeal which may be brought before any Zillah or City Court, subordinate to such Court of Sudder Dewanny Adawlut, shall be transferred to any other Zillah or City Court, subordinate to the same Court of Sudder Dewanny Adawlut.

II. Provided always, that whenever either of the said Courts of Sudder Dewanny Adawlut shall, in the exercise of the power given by the preceding Clause, direct the transfer of the Cognizance of any Suit, such Court of Sudder Dewanny Adawlut, shall cause the reasons for such transfer to be recorded in its proceeding.

LANDED PROPERTY DISABILITY.

Act No. IV. of 1837.

[*Passéd on the* 17*th April*, 1837.

1. Any subject of H. M may acquire and hold property in land, or in any emoluments issuing out of land, in the Territories of the East India Company.

2. All rules which prescribe the manner in which such property may be acquired and held by Natives shall extend to persons who shall acquire or hold under this Act.

I. It is hereby enacted, that after the 1st day of May next, it shall be lawful for any subject of His Majesty to acquire and hold in perpetuity, or for any term of years, property in land or in any emoluments issuing out of land, in any part of the Territories of the East India Company.

II. And it is hereby enacted, that all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by Natives of the said Territories, shall extend to all persons who shall, under the authority of this Act, acquire or hold such property.

BENGAL.—EMIGRATION ACT.

ACT No. V. OF 1837.

[*Passed on the* 1*st May*, 1837.

1. Prohibits reception of native emigrants on board ship without order of Government or permit.

2, 3. Before permit is granted Emigrant and hirer must appear before officer with memorandum of Contract; and (3) permit not to be granted unless the service be limited to not more than 5 years and there be a stipulation to convey the native back to India.

4, 5. Officer to examine the native and explain the Contract: and (5) if satisfied that the native understands it, &c., may grant permit.

6, 7. If application be for permit for more than 20 natives the officer is to enquire into the accommodation, &c., provided for them on board ship: and (7) he shall not grant the permit if not sufficient.

8, 9. Officer to keep a register, and (9) be paid a fee of 1 Rupee for each permit.

10. Masters of vessels receiving any emigrant without order or permit to be fined.

11. Act not to apply to native seamen.

Repealed by Act No. XXXII. of 1837, and Act No. XIV. of 1839.

CUTTACK.—LAND REVENUE.

ACT No. VI. OF 1837.

[*Passed on the* 1*st May*, 1837.

1. Malgoozars, several and joint, being persons acknowledged as having a permanent interest in the Mehauls for which they are engaged, shall be answerable for the Jumma according to the existing settlement, until a new settlement shall be made.

2. Provided that any Malgoozar may relinquish his engagements at the expiration of their term, by notifying his intention to the Collector.

I. It is hereby enacted, that every Malgoozar in the Province of Cuttack, and every body of Malgoozars in the said Province having, as such body, joint engagements with the Government, and being persons acknowledged as the proprietors or possessors of a permanent interest in the Mehoul for which they have engaged, shall be answerable for the Jumma fixed by the terms of the settlement now existing for every Mehaul of such Mal-

goozar or body of Malgoozars, until a new settlement of such Mehaul shall be completed and confirmed, according to the provisions of Regulation VII. of 1822, and Regulation IX. of 1833, of the Bengal Code.

II. Provided always, that if any such Malgoozar or body of Malgoozars shall, before the 1st day of August, 1837, notify to the Collector of the District within which any Mehaul of such Malgoozar or body of Malgoozars as aforesaid may be situated, that it is the intention of such Malgoozar or body of Malgoozars, to relinquish the existing engagements of such Malgoozar or body of Malgoozars, in respect of such Mehaul, at the expiration of the terms for which those engagements have been made, it shall be lawful for such Malgoozar or body of Malgoozars, to relinquish the said engagements at the expiration of the said term.

SUPREME COURT.—FREE PARDON.

Act No. VII. of 1837.

[*Passed on the* 1*st May*, 1837.

His Majesty's Charter Courts may discharge, on his own recognizance, any convict to whom they have recommended a free pardon.

It is hereby enacted, that it shall be lawful for any of the Courts established by His Majesty's Charters, in any case in which such Court shall have recommended to His Majesty the granting of a free pardon to any Convict, to permit such Convict to be at liberty on his own recognizance.

MADRAS.—ANJENGO AND CHANGANCHERRY.

Act No. VIII. of 1837.

[*Passed on the* 8*th May*, 1837.

1, 2. Anjengo and Changancherry to be a separate Jurisdiction subject to Madras, (2) under British Resident.

Repealed by Act No. III. of 1838.

PARSEES.—LANDED PROPERTY.

ACT No. IX. OF 1837.

[*Passed on the* 15*th May*, 1837.

1. All immoveable property, situate within the jurisdiction of any of the Supreme Courts, belonging to any Parsee shall, as far as regards its tran mission, in case of death and intestacy, be of the nature of Chattels real and not fi eehold.

2. In any suit at Law or in Equity, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of a Parsee beneficially interested in the same, or by Will, if such transmission took place before the 1st June, 1837, and took place according to the rules which regulate the transmission of freehold property, or was acquiesced in by the persons interested according to the rules which regulate the transmission of Chattels real.

I. It is hereby enacted, that from the 1st day of June, 1837, all immoveable property, situate within the jurisdiction of any of the Courts established by His Majesty's Charter, shall, as far as regards the transmission of such property on the death and intestacy of any Parsee having a beneficial interest in the same, or by the last Will of any such Parsee, be taken to be and to have been of the nature of Chattels real and not of freehold.

II. Provided always, that in any Suit at Law or in Equity, which shall be brought for the recovery of such immoveable Property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such Property, upon the death and intestacy of any Parsee, having a beneficial interest in the same, or by the last Will of any such Parsee, if such transmission took place before the said 1st day of June, 1827, and if such transmission were either according to the rules which regulate the transmission of freehold Property, or else took place with the acquiescence of all persons to whom any interest in that Property would, according to the Rules which regulate the transmission of Chattels real, have accrued upon the death of such Parsee.

PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA.—CLAIMS TO LANDS.

ACT No. X. OF 1837.

[*Passed on the* 23*rd May*, 1837.

1. Repeals Regulation 1 and 9, of 1830, of the Local Government, and Regulation, 1, 1831, of the Vice-President in Council.

2. The Governor General of India in Council may appoint one or more Commissioners to decide claims to hold lands in Prince of Wales' Island, Singapore, and Malacca. Persons having a registered title shall be entitled to hold according to the terms and conditions specified in the grant.

3. Commissioner on his arrival in the Settlement may require all claims and applications to hold lands to be transferred to him, to be dealt with according to the provisions of this Act.

4. Commissioner may cause a survey or measurement of lands, and summon any person resident within the Settlement to attend and produce any document relating to the right to any land or interest in such land and to examine such person on oath touching the right.

5. Commissioner discovering that any person has more land than is specified in his registered grant or title, shall declare the excess liable to separate assessment.

6. Commissioner may investigate the claims of persons occupying under a grant or title which has not been registered, and if he is of opinion that the claim is a fair one, he shall make a decree assigning the lands to such person, under the regulation, terms, and conditions, and such decree shall constitute a good title

7. Commissioner requiring the attendance of a person before him, shall cause such person to be served with a notice, stating the purpose and time of attendance, and the documents he is required to bring with him; if such person cannot be found, notice may be affixed at his usual place of residence.

8. Any person wilfully omitting to obey any lawful summons, or to produce any document lawfully required, or to answer any lawful question, may be fined by Commissioner not exceeding 50 Rupees, commutable, if not paid, to imprisonment not exceeding a month.

9. Whoever shall forcibly resist or cause to be resisted, any Commissioner, or person employed by Commissioner, shall, on conviction before a Magistrate, be imprisoned not exceeding a year, or fined, or both, in addition to any punishment incurred by reason of any other offence committed in the course of such resistence.

10. Any person under examination before Commissioner knowing and deliberately affirming what he knows to be false touching any material point, shall be taken to be guilty of perjury.

11. All orders and decrees of Commissioner by which the possession of land shall be altered, shall be final.

12. Any party objecting to any decree or order of Commissioner on the ground that it deprives him of a legal right, may, within six months after the decree or order move the Court of Judicature to quash the same, which Court shall try the question of right, and the decree or order shall be of no effect, if the Court shall decide it to be inconsistent with the legal right.

13. The Court shall not decide without the Recorder, if there be at the time a Recorder.

14. No decree or order of a Commissioner shall be executed until six weeks

shall have elapsed from its date, nor until the Court of Judicature shall have finally disposed of an application under Section 12, if made to it.

15. Order of Commissioner to be executed in the same manner as decrees of Recorder's Court, and all Sheriffs, &c., to be aiding in the same.

16. Commissioner to be guided by any instructions received from the Government of Bengal.

I. It is hereby enacted, that from the date of the passing of this Act, Regulations I. and IX., of 1830, passed by the Governor in Council of Prince of Wales' Island, Singapore, and Malacca, and likewise Regulation I. of 1831, passed by the Vice-President in Council, shall be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to appoint one or more Commissioners for the purpose of enquiring into and deciding upon claims to hold lands within any of the Settlements of Prince of Wales' Island, Singapore, and Malacca, whether the said claims be founded on grants or titles registered in conformity with the provisions of any of the Regulations repealed by the foregoing clause or not, provided nevertheless that every person holding land in any of the Settlements aforesaid under a grant or title registered in conformity with the provision of the said Regulations shall be entitled to hold such land for such terms and on such conditions as are specified in such grant or title.

III. And it is hereby enacted, that on the arrival of any such Commissioner in any of the said Settlements it shall be lawful for such Commissioner to require that all claims and applications to hold lands in that Settlement which may be pending before the Resident Councillor, Collector, or Superintendent of Land Revenue shall be transferred to the said Commissioner to be dealt with by him according to the powers vested in him by authority of this Act.

IV. And it is hereby enacted, that it shall be lawful for any such Commissioner, whenever he may be within any of the said Settlements, to cause a survey or measurement to be made of any lands within that Settlement in such manner as he may deem proper, and to require, by a summons under his hand, any person resident within that Settlement to attend before him and to produce any document relating to the right to any land or interest in land, within that Settlement; and it shall further be competent

to the said Commissioner to examine any such person upon oath touching the right to any such land or interest in such land.

V. And it is hereby enacted, that whenever any such Commissioner being within any of the said Settlements shall, in prosecution of the duties assigned to him by this Act, discover that any person owning or occupying lands within that Settlement under any grant or title registered in conformity with any of the Regulations repealed by Section I., shall be in possession of more land than is specified in such grant or title, it shall be competent to the Commissioner aforesaid to declare the land so held in excess to be liable to separate assessment.

VI. And it is hereby enacted, that if any person shall hold or occupy land within any of the Settlements aforesaid, by a grant or title which shall not have been registered in conformity with the provisions of any of the Regulations repealed by this Act, and such person shall prefer a claim to hold or occupy the same, or if such claim shall arise out of any proceeding or enquiry held by the Commissioner under this Act, it shall be competent to the said Commissioner to investigate the claim, and in every case in which the said Commissioner shall be of opinion that the claim is a fair one, the said Commissioner shall make a decree assigning the lands to which there may be such fair claim to the party who has such fair claim on such conditions and for such terms as may be prescribed under the rules laid down for the guidance of the said Commissioner, and such decree shall constitute a good title as against the Government to the land therein assigned on the conditions and for the terms therein specified.

VII. And it is hereby enacted, that whenever the Commissioner aforesaid under the power vested in him by Section IV. shall require the attendance of any person or the production of any document by any person, he shall cause such person to be served with a notice under the hand of the said Commissioner, stating the purpose for which the attendance of such person is required, the documents (if any) which such person is to bring with him, and the period within which such person is to attend, and if such person cannot himself be found, the notice shall be affixed at his usual place of residence.

VIII. And it is hereby enacted, that if any person shall wilfully omit to obey any lawful summons to attend before the said Com-

missioner or to produce any document which he is required by the said Commissioner in the exercise of the lawful powers of the said Commissioner to produce, or to answer any lawful question put by the said Commissioner, it shall be competent to the said Commissioner to impose upon the person so wilfully omitting for every such wilful omission a fine not exceeding 50 Rs. commutable if not paid to Imprisonment by order of the Commissioner in the Civil Gaol, for a period not exceeding one month.

IX. And it is is hereby enacted, that whoever shall forcibly resist or cause to be resisted any such Commissioner, or any person employed by such Commissioner, in the performance of any thing which such Commissioner is by this Act authorized to perform, or caused to be performed, shall on conviction before a Magistrate be punished with imprisonment for a term not exceeding one year, or fine, or both, in addition to any punishment to which such offender may be liable by reason of any other offence committed in the course of such resistance.

X. And it is hereby enacted, that whoever being under examination before any such Commissioner, either on oath, or on a declaration received instead of an oath, knowingly and deliberately affirms that to be true which he knows to be false touching any point material to the question which the Commissioner is investigating, shall be taken to be guilty of perjury and be dealt with accordingly.

XI. And it is hereby enacted, that all orders and decrees passed by any such Commissioner, by which the possession of any land within any of the Settlements aforesaid shall be altered or effected, shall be final.

XII. Provided always that if any party objects to any decree or order of the said Commissioner on the ground that such decree or order deprives that party of a legal right to land or to some interest in land, it shall be lawful for that party at any time within 6 weeks after the making of such decree or order to move the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, to quash such decree or order, which Court shall try the question whether such decree or order be or be not inconsistent with any legal right of the party moving, and if the said Court shall decide that such decree or order is inconsistent with any such legal right, the decree or order of the Commissioner shall be quashed by the said Court, and shall be of no effect.

XIII. And it is hereby enacted, that the said Court of Judicature shall not decide whether a decree or order of any such Commission shall or shall not be quashed except when the Recorder is sitting in the said Court, if there be at that time a Recorder.

XIV. And it is hereby enacted, that no decree or order of any such Commissioner shall be executed until six weeks shall have elapsed from the date of such decree or order. And it is further hereby enacted, that if any application shall be made to the said Court of Judicature, as provided for in Section XII. of this Act, in that case the decree or order with respect to which such application is made shall not be executed until such application shall be finally disposed of by the said Court.

XV. And it is hereby enacted, that if no such application to the Recorder's Court as aforesaid shall be made within the period fixed in Section XII. of this Act, the said Commissioner shall proceed to execute the order or decree passed by him in the same manner as the decrees of the Recorder's Court are executed; and all Sheriffs, Magistrates, Constables and other Public Officers are hereby enjoined and required to be aiding and assisting in the execution of the same.

XVI. And it is hereby enacted, that every Commissioner appointed under this Act shall be guided in the performance of the duties confined to him under the provisions of this Act by such instructions as he shall from time to time receive from the Government of Bengal.

BOMBAY.

Act No. XI. of 1837.

[*Passed on the 29th May*, 1837.

Repeals Articles 1 and 2 of Regulation 1, 1820.

It is hereby enacted, that Articles 1 and 2 of Regulation I. of 1820, of the Bombay Code, be repealed.

CITY OF CALCUTTA.—CONSERVANCY.

Act No. XII. of 1837.

[*Passed on the 5th June*, 1837.

1. Every house and outhouse built in Calcutta after the 1st November, 1837, all be covered with an outer roof of incombustible materials. The owner of

any house or outhouse built in contravention hereof shall be fined not exceeding 100 Rupees.

2. Superintendent of Police may tender to the owner of any house of outhouse built before 1st November, 1837, and not covered with any outer roof of incombustible materials, a sum of money to defray the expense of so covering such house, &c., and any owner accepting the sum so tendered and engaging so to cover such house, and not doing it, shall be fined, not exceeding ten times the amount accepted.

3. If any house shall be built in contravention of Section 1, or if any owner shall refuse to accept sum tendered, the Superintendent may cause it to be roofed with incombustible materials, and may cause necessary alterations to be made in the walls to support the roof, and may defray the expense out of any fund placed at his disposal for that purpose.

4. Any person wilfully obstructing the Superintendent, shall be fined not exceeding 100 Rupees, in addition to any punishment he may have incurred by reason of any other offence committed in the course of his obstruction.

5. All fines under this Act shall be paid into the Government Treasury and applied to defray the expenses of carrying this Act into execution.

Repealed by Act XIV. of 1856, entitled "An Act for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

BOMBAY.—COURTS MARTIAL.

ACT NO. XIII. OF 1837.

[*Passed on the 5th June,* 1837.

No trial by Court Martial held prior to the passing of this Act to be illegal, on the ground that the Military Station had not been duly proclaimed.

Obsolete.

FOREIGN BOTTOMS.

ACT NO. XIV. OF 1837.

[*Passed on the 12th June,* 1837.

Whenever any Foreign State in Asia or Africa shall permit the importation or exportation of Goods in British Vessels, on the same terms as goods in vessels belonging to such Foreign State, the Governor General in Council may direct that goods may be imported into the East Indies, or exported thence, in Vessels belonging to the subjects of such Foreign State, on the same terms.

The differential Scale of duties for British and foreign bottoms was abolished by Act VI. of 1848.

BENGAL.—POLICE TAX.

Act No. XV. of 1837.

[*Passed on the* 19*th June*, 1837.

1. A portion of the Tax levied under Regulation 22, 1816, may be appropriated to the cleansing and repairing of the Towns in which it is levied.

2. The Punchaite appointed by the Sunnud referred to in Section 10, Regulation 22, 1816, may fix the rate of assessment to be levied from the Proprietor or Principal Occupier of any Shop or Habitation at 2 Rupees per mensem.

3. No person, by reason of place of birth, or of descent, shall be exempted from any assessment under Regulation 22, 1816, or under this Act.

Repealed by Act XX. of 1856.

BENGAL.—CUSTOM HOUSE REGULATIONS.

Act No. XVI. of 1837.

[*Passed on the* 3*rd July*, 1837.

1. Repeals Regulation 15, 1817.

2. The value of Goods subject to ad valorem duties, exported by Sea from any port in Bengal or Orissa, shall be declared in manner prescribed by Regulation 6, 1833, for Goods imported into Calcutta by Sea; that Regulation (excepting Section 4, relative to Goods taken by Government) shall apply to Goods intended for export; declared value to include the package materials.

3. The Governor of Bengal may, from time to time, by notice in Gazette, fix a value for any article subject to ad valorem duty.

4. Master of Vessel, removing or putting on board between sunset and sunrise, or on Custom-House Holiday, without leave from Collector, shall be fined not exceeding 500 Rupees.

5. Where Custom House Officer has been removed from Vessel under provision of Section 10, Act 14, 1836, if the Commander, before a Custom House Officer has again been put on board, shall suffer any Goods to be put on board, he shall be fined not exceeding 1,000 Rupees, and the Goods shall be liable to be re-landed for examination at expense of shipper.

6. Commander bound to receive on board one Servant with Custom House Officer, and to provide Officer and Servant with suitable shelter and accommodation and a due allowance of water, with means of cooking, or in default be fined not exceeding 500 Rupees.

7. No Cargo Boat laden with Goods intended for exportation shall make fast to, or lie alongside of any Vessel, unless a Custom House Permit for the shipment of Goods has been obtained. Goods on board a Boat made fast to or lying alongside of any Vessel, contrary to this Regulation, may be confiscated.

8. With each boat-load or separate despatch, intended to be landed for importation, a Boat-note shall be sent, specifying number of packages, and their marks or other description, signed by an Officer of the Vessel and the Custom House Officer on board. Goods to be liable to confiscation, if proceeding to land without Boat-note, or if with Boat-note, they are found out of the proper track between the ship and Custom House Wharf, &c

9. If the packages of Goods brought to the Custom House either for exportation or importation, do not correspond with the description given of them in the application for a pass, or if the Goods have not been correctly described in regard to sort, quality, or quantity, or if other Goods not stated are concealed or mixed up with those specified, such packages shall be liable to confiscation.

10. Goods removed or attempted to be removed after being landed but before they have been passed, shall be liable to be confiscated.

11. The exemption from duty under Schedule B., Act XIV., 1836, shall not apply to Sugar exported to any British Possession in the Continent of India or to Bombay ; but such export shall be subject to the same duty as Sugar and Rum exported to other places, &c.

12. In modification of Section 18, Act 14, 1836, if Goods entitled to Drawback as being imported Goods, are shipped after Port Clearance, such Drawback shall be forfeited, but no separate duty shall be levied thereon.

13. In modification of Section 15, Act 14, 1836, the Collector may sell, on account of Duty, Freight, and other Dues, Goods landed at the Custom House, if not claimed and cleared within three months from the date of the ship's entry.

14. No Drawback shall be paid upon Goods exported from Bengal or Orissa, unless the export takes place within two years from the date of their import in the Custom House Registers, nor unless Drawback is claimed at the time of exportation, nor unless the amount due for Drawback is demanded within a year from the entry for shipment at the Custom House.

15. Drawback shall not be allowed upon Goods shipped in Dhonies and Native Craft not navigated by Pilots, and not having Custom House Officers on board.

16. In modification of Section 51, Regulation 9, 1810, the Board of Customs, Salt and Opium, may fix and alter rates of Wharfage and Godown Rent, &c., and determine the time for which Goods may remain free of charge, while being passed.

17 and 18. Collector of Customs may require Goods brought by Sea and stowed in bulk, to be weighed on shipboard, &c., any one intentionally obstructing the weighing shall be fined not exceeding 500 rupees.

Repealed by Act VI., 1863, the Consolidated Customs Act.

POST OFFICE ACT.

ACT No. XVII. OF 1837.

[*Passed on the 24th July*, 1837.

1. Repeals Bombay Regulation 11, 1830.

2. The exclusive right of conveying letters by post for hire shall be in the Governor General in Council.

3. But the Governor General in Council, and authorities empowered by him, may grant a licence to any person to convey letters by post.

4. Governor General in Council or other authority who may have granted such licence, may revoke it at pleasure.

5. Whoever, except under authority of such licence, knowingly conveys any letter by post for hire, or receives any letter or packet of letters, or delivers, or is accessary to such conveyance, receipt or delivery, shall be fined not exceeding 50 Rupees for every letter.

6. Inland postage duties shall be levied at the rates set forth in Schedule A., and postage may be paid either on receipt or delivery, at the option of sender, and no additional charge shall be made on letters transferred from Post Office in one to Post Office in another Presidency.

[Note.—This has been modified by Act No. 17, 1839.]

7. When there is a banghy on a line of road, no person shall be entitled to demand that any letter or packet exceeding 12 tolas, shall be conveyed by the letter post on that road.

8. This section is repealed by Section 1, Act 20, 1838.

9. No packet described in Table 2, Schedue A., shall contain any writing other than a writing necessarily part of the documents which such packet is stated to contain; fine of 50 Rupees for contravention of this law.

10. No packet described in Table 3, Schedule A, shall contain any writing whatever except the direction; fine of 50 Rupees for contravention of this law.

11. Proof sheets marked as such and delivered open at Office may be sent by letter post at the rates in Table 3, Schedule A.

12 The Governor General in Council shall frame a scale of distances according to which the rates of inland postage shall be calculated.

13. Steam postage, according to rates fixed by Governor General in Council, shall be levied on all letters and packets received, sent and received by Government Steamer, and such steam postage shall be in excess of the inland postage.

14. Ship postage, according to rates in Schedule B., shall be levied on letters sent or received by sea through the Post Office.

[Note.—Modified by Act No. 17, 1839]

15 and 16. The Commander of a Vessel arriving from Sea at a place where there is a Post Office shall cause immediate delivery of the letters on board and also report if there are letters for any other place, and receive and act according to the directions of the Post Master; wilful disobedience subject to fine not exceeding 1,000 Rupees.

17. Post Office to pay Commander one anna for every letter.

18. If letters are transhipped to another Vessel, the Commander of the latter Vessel to be paid half an anna for every letter at the Post Office at which he delivers them.

19. No payment shall be made to Commander of any Vessel for delivery of letter or packet, unless claimed before the Vessel leaves the place or within three months after date of arrival.

20. Commander of every Vessel leaving any place by Sea, shall receive on board every letter and packet which he shall be required to receive from Post Office, and shall sign a receipt; or shall be liable to fine not exceeding 1,000 Rupees.

21. Unpaid letters or packets may be returned, unless opened, in which case postage must be paid; except the letter or packet shall appear to have been sent for the purpose of annoying the person to whom it is directed.

22. Every letter rejected unopened, shall be returned to the sender, who shall pay the return postage unless direct postage has already been paid thereon.

23. Rejected letter, the sender of which is unknown, shall be opened by the Post Office Officer.

24. Letters may be detained at the Post Office until postage is paid.

25. Unclaimed letters after lying three months at any Post Office, shall be sent to the General Post Office of the Presidency.

26. At intervals not exceeding three months lists of unclaimed letters and packets in the General Post Office, shall be published in the Official Gazette.

17. Letters and packets unclaimed for 18 months at the General Post Office, shall be opened by the Post Master General, and valuable property therein paid into the Government Treasury for the benefit of party having a right thereto, and after a further period of 12 months such letter may be destroyed, if unclaimed.

28. Enumerates the persons to whom shall be allowed the privilege of sending and receiving all letters and packets by letter post free of postage, and of sending and receiving letters and packets by banghy on the public service free of postage. Such letters to be franked in manner directed by the Governor General in Council.

29. The Governor General in Council may grant to any person the same privilege.

30. Post Master General, or Post Master, suspecting that any letter or packet at his Office contains contraband or any article on which duty is owing, or any writing in contravention of Sections 9 and 10, may summon the person to whom it is directed, and open the letter in his presence, or in his absence if he neglects to attend.

31. Government shall not be responsible for loss or damage, nor any person employed by Government, unless caused maliciously or fraudulently by such person.

32. Fines incurred under this Act, may be levied on conviction before any Magistrate, or J. P., or person exercising the powers of a Magistrate. But

only Post Master General, or Post Master, shall be competent to institute any prosecution.

33. Any person in the employment of Post Office, or of any contractor with the Post Office, who shall fraudulently appropriate any letter or packet, or its contents, or shall open with fraudulent intention, shall be liable to imprisonment with or without hard labour, for not exceeding 7 years, and to fine.

34. Any such person fraudulently appropriating postage duty, shall be liable to imprisonment with or without hard labour for not exceeding 2 years, and to a fine.

35. Any such person fraudulently putting wrong mark on letter or packet, or altering or causing to disappear any mark, liable to imprisonment with or without hard labour, for same term and fine.

36. Any such person fraudulently preparing incorrectly, or altering, or secreting or destroying any document entrusted to him to keep or prepare, shall be liable to like punishment.

37. Any such person putting any letter or packet into the Wallets of the Post Office intending to defraud Government of duty, shall be liable to like punishment.

38. The tola weight mentioned in this Act is the tola of 180 grains troy.

39. Commencement of Act—Schedules A., &c.

Repealed by Act XVII. of 1854, the General Postage Act.

THUGGEE.

Act No. XVIII. of 1837.

[*Passed on the 7th August*, 1837.

Any person charged with murder by Thuggee, or with having belonged to a gang of Thugs, may be committed by any Magistrate or joint Magistrate for trial, before any Criminal Court competent to try such person.

It is hereby enacted, that any person charged with murder by Thuggee, or with the offence of having belonged to a gang of Thugs, made punishable by Act No. XXX. of 1836, may be committed by any Magistrate or Joint Magistrate within the Territories of the East India Company, for trial before any Criminal Court, competent to try such persons on such charge.

Extended by the Act XXIV. of 1843, to persons concerned in the perpetration of Dacoity.

Repealed by Act XVII., 1862, as to parts where Code of Criminal Procedure is in force.

EVIDENCE.

ACT No. XIX. OF 1837.

[*Passed on the 7th August*, 1837.

No person to be incompetent as a witness by reason of conviction for any offence whatever.

Included in Act II. of 1855, s. 14.

PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA.

ACT No. XX. OF 1837.

[*Passed on the 11th September*, 1837.

1. Immoveable property as far as regards its transmission by will, or in case of intestacy, to be of the nature of Chattels real and not of freehold.

2. Defects of title not to be taken advantage of, if transmission took place before 1st October, 1837, according to rules relating to freehold property, or according to the law of the nation to which deceased person belonged, or was acquiesced in by other parties interested, or was according to rules relating to Chattels real.

3. Persons conveying for valuable consideration before the 1st October, 1837, to retain the consideration in certain cases.

I. It is hereby enacted, that from the First day of October, 1837, all immoveable Property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, shall, as far as regards the transmission of such property on the death and intestacy of any person having a beneficial interest in the same, or by the last Will of any such person, be taken to be, and to have been of the nature of Chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable Property as is aforesaid, no advantage shall be taken of any defect of title, arising out of the transmission of such property upon the death and intestacy of any person having a beneficial interest in the same, or by the last Will of any such person, if such transmission took place before the said First day of October, and if such transmission were according to the Rules which regulate the transmission of freehold property, or were according to the

law of the nation to which the deceased person belonged, or took place with the acquiescence of all those to whom any interest in that property would, according to the Rules which regulate the transmission of Chattels real, have accrued upon the death of that person.

III. Provided also, that in all cases where such immoveable Property derived from a deceased person, shall have been, before the said First day of October, conveyed for a valuable consideration by any person who would be entitled to convey the same according to the Rules which regulate the transmission of freehold Property, or according to the law of the nation to which the deceased person belonged, the person who so conveyed shall be entitled to retain to his own use the consideration received for such conveyance.

OFFICE OATHS AND DECLARATIONS.

Act No. XXI. of 1837.

[*Passed on the 25th September*, 1837.

1. Governor in Council of any Presidency having a Council, and Governor of any Presidency not having a Council, and Lieutenant Governor of the N. W. Provinces, may dispense with any oath now required to be taken.

2. The above dispensing power not to extend to oaths taken in the course of judicial proceedings.

3. When an oath is dispensed with, a declaration in writing to the same effect shall be substituted.

4. Any person knowingly stating an untruth in any declaration, which would have been perjury in an oath, shall be punished with imprisonment, not exceeding a year, or fine, or both.

I. It is hereby enacted, that from the First day of October, 1837, it shall be lawful for the Governor in Council of any Presidency of which there is a Council, and for the Governor of any Presidency of which there is no Council, to dispense with any Oath which by any Regulation of that Presidency or by any Act of the Governor General of India in Council is now required to be taken, and that it shall be lawful for the Lieutenant Governor of the N. W. Provinces to dispense with any Oath which by any Regulation or any Act of the Governor General of India in Council now in force within those Provinces is now required to be taken.

II. Provided always, that the dispensing power given by this Act shall not extend to any Oath now required by Law to be taken in any stage of any judicial proceeding.

III. And it is hereby enacted, that whenever any Oath is dispensed with under the authority given by this Act, the person who but for such dispensation would have been legally required to take such Oath shall, in the presence of the functionary by whom but for such dispensation such Oath would have been administered, make and subscribe a Declaration in writing to the same effect with such Oath.

IV. Repealed by Act XVII., 1862.

MADRAS REVENUE.

ACT No. XXII. OF 1837.

[*Passed on the 25th September,* 1837.

1. Neither the Criminal Judge nor the Magistrate of Chingleput to have jurisdiction in respect of offences against the revenue within the Collectorate of Madras.

2. The jurisdiction of such Criminal Judge and Magistrate to be exercised by the Superintendent of Police of Madras, and by his deputies, subject to same rules as Criminal Judge and Magistrate.

3. Superintendent and Deputies not to be subject to the orders of the Court of Circuit, &c., nor be bound to furnish any Calendar, &c., to that Court, but only to Court of Foujdarry Adawlut.

4. Superintendent and his Deputies may commit any person to Madras Gaol, whom the Criminal Judge, &c., might have committed.

5. Clause 5, Sec. 8, Reg. 15, 1803, to apply to Convicts committed by Superintendent or his Deputies.

I. It is hereby enacted, that from the First day of November, 1837, neither the Criminal Judge nor the Magistrate of the Zillah of Chingleput, shall have any jurisdiction in respect of offences committed within the Collectorate of Madras against any Regulation relating to the public revenue.

II. And it is hereby enacted, that the whole jurisdiction now belonging to the said Criminal Judge, and also the whole jurisdiction now belonging to the said Magistrate in respect of such offences, shall, from the First day of November, 1837, belong to the Superintendent of Police of the Town of Madras, and to

every one of the Deputies of the said Superintendent, and shall be exercised by the said Superintendent and by every one of the said Deputies, according to the rules by which the said Criminal Judge and the said Magistrate are now bound to exercise the same. [Construed by Act XIII., 1856, s. 1.]

III. Repealed by Act XIII., 1856.

IV. Provided also, that it shall be lawful for the said Superintendent and every one of the said Deputies in cases in which the said Criminal Judge or the said Magistrate would now be empowered to commit any person to the Gaol of Chingleput, to commit such person to any Gaol within the Collectorate of Madras. [Construed by Act XIII., 1856, s. 1.]

V. Repealed by Act XIII., 1856.

MADRAS.—JUDICIARY. PRINCIPAL S. AMEENS.

Act No. XXIII. of 1837.

[*Passed on the 2nd October*, 1837.

The Governor in Council, by order in Council, may invest P. S. Ameens at Stations where Gaol Deliveries are held, with powers of commitment in cases of perjury

It is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to invest Principal Sudder Ameens at Stations where Gaol Deliveries are held, with the same powers of commitment in cases of Perjury as are exercised by the Criminal Judges under Section III., Regulation VIII., of 1829 of the Madras Code.

Repealed by Act XVII., 1862.

BENGAL.—MOFUSSIL POLICE.

Act No. XXIV. of 1837.

[*Passed on the 2nd October*, 1837.

1. The Governor of Bengal may appoint a Superintendent of Police for any part of that Province. Ditto the Governor of the N. W. Provinces for any part of those Provinces.

2. When a Superintendent is appointed under this Act, the duties and powers vested in the Commissioner of Revenue and Circuit, by Section 7, Reg. 1, 1829, shall cease; and such Superintendent shall be guided by Reg. 10, 1808, and subsequent Regulations.

3. Section 3, Reg. 9, 1831, to cease to have effect whenever Superintendent is appointed.

4. Superintendent to exercise all the powers now by Commissioner of Circuit under Section 3, Reg. 1, 1829, in regard to the appointment, suspension, and removal of any Ministerial Officer subordinate to Zillah Magistrate, City Magistrate, or Joint Magistrate.

5. Session Judge, when vested under Act 7, 1835, with the whole administration of Criminal Justice, shall receive and try any appeal made to him from any order of Zillah or City Magistrate, or Joint Magistrate, in any judicial proceeding whatever.

6. Decision of Session Judge in any such appeal not to be open to revision by the Nizamut Adawlut.

7. Session Judge, when vested with the whole administration of Criminal Justice, shall possess the same control, &c., over Gaols, &c., and Officers, &c., as formerly belonged to Commissioners of Circuit.

8. At what time this Act to come into operation.

I. It is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal to appoint a Superintendent of Police for the Territories under his Government or for any part thereof, and for the Lieutenant Governor of the N. W. Provinces to appoint a Superintendent of Police for those Provinces, or for any part thereof.

II. And it is hereby enacted, that whenever a Superintendent of Police shall be appointed under this Act, such parts of section 7, Regulation I., 1829, of the Bengal Code, as vest the Commissioner of Revenue and Circuit with the duties and powers belonging to the Superintendent of Police, shall cease to have effect in the Territories which may be comprised within the jurisdiction of such Superintendent; and such Superintendent shall be guided in the execution of the duties of his Office by the Rules contained in Regulation X., 1808, and other Regulations of the Bengal Code, subsequently enacted, in regard to the said Office, in so far as they may not be modified or repealed by this Act.

III. And it is hereby enacted, that whenever such a Superintendent of Police as aforesaid shall be appointed for any Jurisdiction, Section 3, Regulation X., 1831, of the Bengal Code, shall cease to have effect within that jurisdiction.

IV. And it is hereby enacted, that the Superintendent of

Police appointed under this Act, shall exercise all the powers that may be now legally exercised by the Commissioners of Circuit, in virtue of the authority vested in them by Section 3, Regulation I., 1829, of the Bengal Code, in regard to the appointment, suspension, and removal of any Ministerial or Police Officer, subordinate to any Zillah or City Magistrate, or Joint Magistrate.

V. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall under the provisions of Act No. VII. of 1835, be vested in any Session Judge, such Session Judge shall receive and try any appeal made to him from any order of any Zillah or City Magistrate, or Joint Magistrate, whether such order may have been passed in a Criminal trial or in any Judicial proceeding whatever—provided, that it shall not be competent to such Session Judge to interfere with any order passed by a Zillah or City Magistrate, or Joint Magistrate, regarding the appointment, suspension, or removal of any Ministerial or Police Officer, the revision of which has by Section IV. of this Act been entrusted to the Superintendent of Police.

VI. And it is hereby enacted, that the decision of a Session Judge in Appeal from the order of a Zillah or City Magistrate, or Joint Magistrate, in any Judicial proceeding other than a Criminal trial, and also the orders of the Superintendents of Police in regard to the appointment, suspension, or removal of a Ministerial or Police Officer of a Zillah or City Magistrate, or Joint Magistrate, passed under the provisions of Sections IV. and V. of this Act, respectively, shall not be open to revision by the Nizamut Adawlut.

VII. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall, under the provisions of Act No. VII. 1835, and Section V. of this Act, be vested in any Session Judge, such Session Judge shall possess the same control and superintendence over every Gaol under the management of any Zillah or City Magistrate, or Joint Magistrate, subject to his jurisdiction, and over the Officers of every such Gaol as may have been exercised by the Commissioners of Circuit under the provisions of Section 3, Regulation 1. 1829, or of any Regulation, Act, or Circular Order of the Nazamut Adawlut, which may have been passed or issued since the promulgation of the said Regulation.

VIII. And it is hereby enacted, that this Act shall come into operation on the 1st January, 1838, except so much thereof as authorizes the appointment of Superintendents of Police, which shall come into operation from the day of the passing of this Act.

BENGAL.—JUDICIARY SYSTEM.

ACT No. XXV. OF 1837.

[*Passed on the 2nd October*, 1837.

1. Suits of any value may be referred by a Zillah or City Judge to any Principal Sudder Ameen.

2. Repeals so much of Clause 2, Section 31, of Regulation VII., 1822, and Section 19, of Regulation VIII., 1831, as provides that Suits of the description therein referred to, shall not be cognizable by any Sudder Ameen or Moonsiff.

3. Zillah or City Judge may refer to any Principal Sudder Ameen, any original suit preferred under the provisions of Clause 1, Section 30, Regulation II., 1818.

4. In all suits exceeding the value specified in Clause 1, Section 18, Regulation V., 1831, which shall, under Section 1 of this Act, be referred to a Principal Sudder Ameen, the Appeal shall be direct to the Court of Sudder Dewanny Adawlut, and shall be conducted as if it were an Appeal from a Zillah Judge, and any application for a review of the decision upon such judgment shall be made by the Principal Sudder Ameen, to the Court of Sudder Dewanny Adawlut.

5. Suits referred by Zillah Judge, under Section 7, Regulation V., of 1831, to a Sudder Ameen or Principal Sudder Ameen, shall be subject to the same rules in regard to stamps and Appeal, as if it had been tried by a Moonsiff.

6. In such Suits tried by the Principal Sudder Ameen, the appeal shall be to the Zillah or City Judge, whose decision shall be final.

7. Suits referred for trial to a Principal Sudder Ameen, shall, if within the competency of a Sudder Ameen, be subject to the same rules in regard to Stamp Duties and Appeal, as if they had been referred to the Sudder Ameen, in the first instance.

8. The Courts of Sudder Dewanny Adawlut, may authorize the Judge of any Zillah or City Court to transfer to a Principal Sudder Ameen, any civil proceeding; and all proceedings so transferred shall be disposed of by the Principal Sudder Ameen, according to the rules prescribed for Zillah or City Judges: provided that an Appeal from the Principal Sudder Ameen shall lie to the Zillah or City Judge in the first instance and specially to the Sudder Dewanny Adawlut.

9. Repeals Clause 2, Section 2, Regulation 7, 1832. Appeals from the orders of a Principal Sudder Ameen to a Zillah or City Judge must be

preferred within 30 days from the date of the order, unless the appellant was prevented by circumstances beyond his control from presenting his Appeal within that period.

10. Repeals Clause 1, Section 25, Regulation 5, 1831.

11. Extends Clause 2, Section 25, Regulation 5, 1831, to the Ministerial Officers of the Moonsiff's Court.

12. All Ministerial Officers of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens, shall be appointed by those Courts, subject to the general control of the Zillah and City Judge and Sudder Dewanny Adawlut.

I. It is hereby enacted, in modification of Section XVIII., Regulation V., 1831, of the Bengal Code, that from the First day of November, 1837, no Zillah or City Judge within the Territories subject to the Presidency of Fort William in Bengal, shall be precluded, by reason of the amount or value of the property of the recovery of which a Suit is instituted, from referring that Suit to any Principal Sudder Ameen.

II. And it is hereby enacted, that so much of Clause Second, Section XXXI., Regulation VII., 1822, and Section XIX., Regulation VIII., 1831, of the Bengal Code, as provides that Suits of the description therein referred to, shall not be cognizable by or referable to any Sudder Ameen or Moonsiff, be repealed.

III. And it is hereby enacted, that it shall be competent to every Zillah or City Judge within the said Territories to refer for trial and decision, any Original Suit preferred under the Provisions of Clause First, Section XXX., Regulation II., 1819, of the Bengal Code, to any Principal Sudder Ameen, any thing in the existing Regulations to the contrary notwithstanding. [Repealed by Act X., 1861.]

IV. And it is hereby enacted, that in all Suits exceeding the amount or value specified in Clause First, Section XVIII., Regulation V., 1831, which shall, under the authority of Section I. of this Act, be referred to a Principal Sudder Ameen, the Appeal from the decision of such Principal Sudder Ameen shall be direct to the Court of Sudder Dewanny Adawlut, and shall be conducted in all respects according to the same rules as if it were an Appeal from the decision of a Zillah Judge to the said Court of Sudder Dewanny Adawlut, and any application for a review of judgment on such decision shall be made by the said Principal Sudder Ameen directly to the said Court of Sudder Dewanny

Adawlut, and shall be conducted in all respects as if it were an application for review of a decision of a Zillah Judge. [By Act No. VI. of 1843, the provision of this Section in respect to Appeals from decisions passed by Principal Sudder Ameens is extended to all interlocutory orders passed by those Officers in Suits of the nature here specified.]

V. And it is hereby enacted, that whenever a Zillah or City Judge within the said Territories in the exercise of the discretion vested in him by Section VII., Regulation V., 1831, of the Bengal Code, shall refer for trial to a Sudder Ameen, or Principal Sudder Ameen, a Suit within the competency of a Moonsiff to decide, such Suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to Appeal as the said Suit would have been subjected to had it been received and tried by the Moonsiff in the first instance.

VI. Provided always, that when any such Suit shall have been decided by a Principal Sudder Ameen, the Appeal from such decision shall lie to the Zillah or City Judge, and shall be tried by him only, and that the decision of the Zillah or City Judge on such Appeal, shall be final, anything in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that whenever a Zillah or City Judge within the said Territories shall refer for trial to a Principal Sudder Ameen a Suit within the competency of a Sudder Ameen to decide, such Suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to Appeal, as the said suit would have been subjected to, had it been referred to and tried by the Sudder Ameen in the first instance.

VIII. And it is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny Adawlut within the Territories subject to the Presidency of Fort William in Bengal, by an Order, under the signature of the Registrar of such Court to authorise the Judge of any Zillah or City Court subordinate to such Court of Sudder Dewanny Adawlut, to transfer to a Principal Sudder Ameen any Civil proceedings, whether miscellaneous or summary, which may be depending at the time when such Order is issued or be thereafter instituted in the Court of the said Zillah or City Judge, and all proceedings so transferred shall be disposed of by the said Principal Sudder Ameen, according to the Rules

prescribed in the Regulations for the guidance of the Zillah and City Judges in the like cases—provided however that an Appeal from the order of the Principal Sudder Ameen in such cases shall lie in the first instance to the Zillah or City Judge, and specially to the Sudder Dewanny Adawlut. [Extended by Act XXV., 1852.]

IX. And it is hereby enacted, that Clause Second, Section II., Regulation VII., 1832, be repealed, and that in all cases in which an appeal from the orders or decision of a Principal Sudder Ameen to a Zillah or City Judge is authorised by law, such appeal shall not be received, unless the same be preferred within the period of thirty days from the date of the order or decision of the said Principal Sudder Ameen, to be calculated according to the rules prescribed in Clause Ten, Section VIII., Regulation XXVI., 1814, or unless it shall be proved that the appellant was prevented by circumstances beyond his control from presenting his appeal within the above-mentioned period. [Repealed by Act X., 1861.]

X. And it is hereby enacted, that Clause First, Section XXV., Regulation V., 1831, of the Bengal Code, be repealed.

XI. And it is hereby enacted, that the rule contained in the Second Clause of Section XXV., Regulation V., 1831, be extended to the Ministerial Officers of the Moonsiff's Courts.

XII. And it is hereby enacted, that all Ministerial Officers of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens, shall be nominated and appointed by those Courts respectively, subject to the general control of the Zillah and City Judges and Courts of Sudder Dewanny Adawlut, within whose jurisdiction the said Courts may be situated.

This Act has been superseded by the Code of Civil Procedure Act VIII., 1859; and Sections III. and IX. are repealed by Act X., 1861. I am unable to say why the repeal was confined to sections III. and IX.

GOVERNOR GENERAL OF INDIA.

ACT No. XXVI. OF 1837.

[*Passed on the* 16*th October*, 1837.

The Governor General to have all the powers of Governor General in Council, except that of making Laws, from the notified day of his having quitted his Council for the N. W. Provinces until he shall rejoin his Council.

Expired.

BOMBAY.—SALT WORKS.

ACT No. XXVII. OF 1837.

[*Passed on the 8th November*, 1837.

1. On every maund of 3,200 tolas of Salt delivered from any Salt Work, a duty of Eight Annas shall be payable unless remitted by Governor in Council.

2. Manufacture of Salt prohibited until notice has been given to the Collector of the District of the intention to manufacture; such notice to describe the situation of the Works, the name by which they are known, and, if manufactured at more places than one, the distance of the places from one another.

3. Collector upon receiving such notice shall depute one or more officers to be stationed at the place of manufacture.

4. Officer stationed at Salt Works shall have free passage over all parts of the Works at all times; take account of Salt manufactured and stored; mark the Salt, and prevent the removal of it until the duty shall be paid.

5. Collector on receipt of duty shall give a receipt and order in form A.

6. Such receipt and order, when filled up, shall be a pass authorising the removal of the Salt.

7. Governor in Council may establish Chokies near Salt Works, and authorise Officers stationed thereat to stop Salt irregularly removed, to search any suspected load passing such Chokie, and to take and cancel any Salt pass.

8. Collector may direct Salt Works to be destroyed, of which notice has not been given.

9. Collector may direct the confiscation of any Salt removed otherwise than according to Rule, or stored clandestinely to evade duty.

10. Persons manufacturing Salt at any works whereof notice has not been given, or removing Salt otherwise than according to Regulation, or counterfeiting mark of Collector, shall be imprisoned not exceeding three months, or fined not exceeding 500 Rupees, or both.

11. Whoever obstructs any Officer shall be imprisoned not exceeding six months, or fined not exceeding 1,000 Rupees, or both.

12. Officer accepting or obtaining, or attempting to obtain a consideration for doing or forbearing to do any official act, shall be imprisoned not exceeding two years, or fined, or both.

13. Officer practising or attempting to practice any fraud, or abetting or conniving at any, or at any attempt to practise a fraud on the Revenue, shall be imprisoned not exceeding two years, or fined, or both.

14. Governor in Council may transfer the Superintendence of the Salt Revenue from the Collector to any functionary.

Form of Permit and Pass.

I. Repealed by Act XVI. of 1844, s. 1.

II. And it is hereby enacted, that from the said day* Salt shall not be manufactured at any place within the said Territories, unless

* 15th December, 1837.

the person conducting the manufacture shall have given notice in writing to the Collector of the district in which the place of manufacture may be situated, of his intention to manufacture Salt at that place; and every such notice shall contain a true and accurate description of the situation of the works and of the name by which they are known, and if the person giving the notice manufacture salt at more places than one, of the distance at which those places are from each other.

III. And it is hereby enacted, that upon receiving such notice as is prescribed in the last preceding Section of this Act, the Collector of the District shall, by an order under his seal and signature, depute one or more Officers, who shall be stationed for such time as the said Collector shall direct at every such place of manufacture.

IV. And it is hereby enacted, that every Officer stationed at any Salt works in the manner described in the last preceding Section of this Act, shall be entitled to have free passage over all parts of such works at all times, and to take at any time account of the quantity of Salt manufactured and stored at such works, and to put on any portion of such Salt which may be stored such a mark as may be prescribed by the Collector of the District, and to prevent the removal of such Salt until the duty thereon has been paid.

V. And it is hereby enacted, that whenever the duty due under this Act on any portion of Salt has been paid to the Collector of the District within which such Salt was produced, such Collector shall deliver to the person who has paid such duty a receipt and order in the form marked A. annexed to this Act, which receipt and order shall specify the amount of duty paid, and the quantity of Salt which the person who has paid the duty is entitled to remove, and the place whence and the person to whom that quantity of Salt is to be delivered.

VI. And it is hereby enacted, that on the production of such a receipt and order as is described in the last preceding Section of this Act to the Officer stationed at the Salt works whence the Salt to which such receipt and order relates is to be removed, that Officer shall fill up the blanks which are marked therein as intended to be filled up by that Officer, and shall tear off and retain that part of the receipt and order which is marked as intended to be

torn off, and shall deliver the remaining part of the receipt and order to the person who removes the Salt, and the part of the receipt and order so delivered to the person removing the Salt shall be a pass authorising the removing of that Salt.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to establish Chokies as near as conveniently may be, to works were Salt is manufactured, and to authorize any of the Officers stationed at such Chokies to stop and detain any Salt which is removed otherwise than in conformity with the foregoing rules, and to search any load which may pass any such Chokie, and which may be suspected to contain Salt, and to take and cancel every pass under which Salt shall be suffered to pass. [Extended by Act XXXI., 1850, to any Territory where Salt is found.]

VIII. And it is hereby enacted, that it shall be lawful for the Collector of a District that any Salt works within that District of which notice shall not have been given in the manner described in Section II. of this Act shall be destroyed.

IX. And it is hereby enacted, that it shall be lawful for the Collector of a District to direct the confiscation of any Salt which may have been removed from any works within that District, otherwise than in conformity with the foregoing rules, or which is found clandestinely stored for the purpose of evading the duty imposed by this Act.

X. And it is hereby enacted, that whoever shall manufacture Salt at any works, whereof notice shall not have been given to the Collector of the District in the manner required by this Act, or shall remove or aid in the removing of any Salt from any Salt works, otherwise than in conformity to the provisions of this Act, or shall, with a fraudulent intention, counterfeit any mark which a Collector of a District may have ordered to be put on Salt in store, shall be punished with imprisonment for a term not exceeding three months, or fine not exceeding 500 Rupees, or both.

XI. And it is hereby enacted, that whoever intentionally obstruct any Officer in the exercise of any powers given by this Act to such Officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 Rupees, or both.

XII. Repealed by Act XVII., 1862.

XIII. And it is hereby enacted, that whoever being an Officer, appointed under the authority of this Act, practices or attempts to practice, any fraud for the purpose of injuring the revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer the superintendence of the Salt revenue of any District from the Collector of that District to any other functionary, and that whenever such a transfer shall take place all provisions of this Act which apply to such a Collector, shall be applicable to the functionary to whom the superintendence of the Salt revenue has been so transferred.

Permit No. 1, OF ZILLAH SURAT.

(THIS PART TO BE TORN OFF AND RETAINED BY THE OFFICER.)

Salt delivered this day, and this order cancelled——1838.
A. B., Salt Officer.

CERTIFIED that the sum of Rupees 250, on account of Government duty on five hundred Maunds of Salt, has been paid at the Office of———for the District of——— on this day, the———of———in the year———. The Salt is to be delivered by———at the———Works in Pergunna———on or before the 20th Instant.

The Government Officer at those Works, Lala Munsa Ram, is to allow the same to be delivered, provided this order is presented on or before the said Twentieth day of December, in the year 1838.

A. B., Collector.

Maunds 500.

10*th December*, 1838.

(Tear off here)———————————————————————

To be torn off and delivered to the Banjaree.

PASSED this 20th December, 1838, from Salt works ———belonging to———, Maunds of Salt five hundred, to be carried away on Banjaree Bullocks (here enter number). This Pass will protect the dispatch to Doodea until sunset of the 21st December.

BENGAL.—STAMP OFFICER.

ACT No. XXVIII. OF 1837.

[*Passed on the 20th November*, 1837.

Repeals so much of Section 7, Regulation 10, 1829, as directs that the manager of the Stamp Duties shall be a Covenanted Officer.

It is hereby enacted, that so much of Section VII., Regulation X., of 1829, of the Bengal Code, as directs that the Officer to whom the management of the Stamp Duties may be transferred shall be a Covenanted Officer, be repealed.

BENGAL.—PERSIAN LANGUAGE.

ACT No. XXIX. OF 1837.

[*Passed on the 20th November*, 1837.

1. The Governor General in Council may dispense with any Regulation which enjoins the use of the Persian language in Judicial or Revenue proceedings which prescribe the language and character to be used.

2. The Governor General in Council may delegate the powers given by this Act, to any subordinate authority.

I. It is hereby enacted, that from the First day of December, 1837, it shall be lawful for the Governor General of India in Council, by an Order in Council, to dispense either generally, or within such local limits as may to him seem meet, with any provision of any Regulation of the Bengal Code, which enjoins the use of the Persian language in any Judicial proceeding or in any proceeding relating to the Revenue, and to prescribe the language and character to be used in such proceedings.

II. And it is hereby enacted, that from the said day it shall be lawful for the said Governor General of India in Council, by an Order in Council, to delegate all or any of the powers given by this Act to any subordinate authority, under such restrictions as may, to the said Governor General of India in Council, seem meet.

MADRAS.—MOFUSSIL POLICE.

ACT No. XXX. OF 1837.

[*Passed on the 20th November*, 1837.

Anmeens of Police, having the Police powers vested in Tuhsildars, shall also possess all Police powers and Criminal Judicial powers, vested in Tuhsildars,

and be subject to the same Laws and Regulations in respect of such powers as Tuhsildars.

It is hereby enacted, that from the Fifteenth day of December, 1837, all Aumeens of Police who have been or may be appointed according to Section XL., Regulation XI., of 1816, of the Madras Code, to act with the Police powers vested in Tuhsildars by that Regulation, shall possess all Police powers and Criminal Judicial powers which are vested in Tuhsildars within the Territories subject to the Presidency of Fort St. George, by any law or Regulation whatever, and shall be subject to all provisions to which, by any law or Regulation, Tuhsildars are subject, in respect of any of those powers.

Repealed by Act XVII., 1862.

COINAGE.

Act No. XXXI. of 1837.

[*Passed on the 20th November*, 1837.

1. Suspends so much of Act XVII., 1835, as directs certain Coins to bear the head of Her Majesty.

2. Until Order in Council, the Coins shall bear the head of His Majesty William IV.

Repealed by Act XIII., 1862, s. 1.

EMIGRATION ACT.

Act No. XXXII. of 1837.

[*Passed on the 20th November*, 1837.

1. Repeals Act V., 1837.

2. Natives of India contracting for service out of Territories of E. I. C. not to embark without permit or order.

3. Before permit is granted the contracting parties must appear before officers and exhibit a memorandum of the contract, &c.

4. Contract must be determinable within five years, and must contain a stipulation for conveying back the Native free of charge.

5. Native to be examined by officer, and time of contract to be explained to him.

6. Officer, if satisfied, may endorse the memorandum with permit.

7, 8. If permit applied for more than 20 persons, Officer to Summon person

in charge of vessel, and enquire as to accommodation, &c., and (8) shall not grant permit unless satisfied.

9, 10. Officer to keep a register of Natives to whom permits are granted, and (10) to be paid not exceeding one rupee for such permit.

11. Establishes fine no person in charge of vessels suffering Natives to embark without permit.

12. Act not to apply to Native Seamen employed as such.

Repealed by Act XIV., 1839.

MADRAS.—MOFUSSIL POLICE.

ACT No. XXXIII. OF 1837.

[*Passed on the 20th November*, 1837.

1. Clauses 2 and 3, Section 4, Regulation 4, of 1821, shall apply to all petty offences cognizable by heads of District Police, as well as to petty thefts.

2. Head of District Police shall, in his report to a Magistrate for final orders, state the description and extent of punishment, in his opinion proper, and the Magistrate shall record his reasons, if he varies it.

I. It is hereby enacted, that from the Fifteenth day of December, 1837, the provisions of Clauses Second and Third, Section IV., Regulation IV., of 1821 of the Madras Code, shall apply to all petty offences cognizable by heads of District Police, as well as to petty thefts.

II. And it is hereby enacted, that whenever any head of District Police shall, under those provisions, report any case whatever to a Magistrate for final orders, such head of District Police shall state precisely in his report the description and extent of the punishment which, in his opinion, is proper to be inflicted in that case; and the said Magistrate, if he gives orders at variance in any respect with that opinion, shall record his reasons for varying from it.

Repealed by Act XVII., 1862.

MADRAS.—JUDICIARY SYSTEM.

ACT No. XXXIV. OF 1837.

[*Passed on the 20th November*, 1837.

1 and 2. Repeal Section 6, Regulation 8, 1827. Magistrates may send persons for trial, committal, or confinement to Principal Sudder Ameens, except

Europeans and Americans, who shall be sent as heretofore to the Criminal Judge.

I. It is hereby enacted, that from the Fifteenth day of December, 1837, Section V., Regulation VIII., of 1827, of the Madras Code, shall be repealed; and that it shall be lawful for Magistrates, under the Government of the Presidency of Fort St. George, to send persons for trial, committal, or confinement, to Principal Sudder Ameens, any provision of any Regulation to the contrary notwithstanding.

II. Provided always, that it shall not be lawful to send any European or American, for such purpose, to a Principal Sudder Ameen; but that Magistrates shall send Europeans and Americans for trial, committal, or confinement, to the Criminal Judges, as heretofore.

MADRAS.—JUDICIARY SYSTEM.

Act No. XXXV. of 1837.

[*Passed on the 20th November*, 1837.

1. Repeals all provisions requiring any translations of Decrees passed by Sudder Adawlut, or by Provincial Courts, &c., to be attached to those Decrees, or furnished to the parties.

2. An Abstract of every Decree shall on the day of the promulgation of the Decree be entered in the Diary of the Court passing the Decree. Suitors to be entitled to have a copy of that Abstract.

3. Repeals rules for determining from what day time for appealing shall run. Such time to be computed from the day on which the Decree is sealed, &c. Further time to be allowed when copy, &c., of Abstract is delayed to be delivered.

4. The day on which the time for appealing will expire, shall be certified at the end of every document furnished to Suitor as aforesaid.

5. The day on which the time for appealing will expire shall be proclaimed on the day when the Decree is sealed and signed.

I. It is hereby enacted, that from the Fifteenth day of December, 1837, all provisions of any Regulation of the Madras Code, which direct that any translations of Decrees, passed by the Court of Sudder Adawlut, or by the Provincial Courts, or by the Courts of Zillah Judges, or by the Auxiliary Courts, under the Presidency of Fort St. George, shall be attached or appen-

ded to those Decrees, or shall be furnished to parties in the Suits wherein those Decrees are passed, shall be repealed.

II. And it is hereby enacted, that from the said day, an Abstract of every such Decree, containing a succinct statement of the grounds of Judgment, shall, on the day of the promulgation of the Decree, be entered in the Diary of the Court passing the Decree; and every party in the Suit wherein the Decree is passed, shall be entitled to be furnished with a copy of that Abstract, on application for a copy thereof, or with a translation of that Abstract in a current language of the District or country, on application for such a translation.

III. And it is hereby enacted, that from the said day, all rules now in force within the Presidency of Fort St. George for determining from what days the limited periods for appealing from Decrees of the Sudder Adawlut, or of the Provincial Courts or of the Zillah Judges, or of the Zillah Assistant Judges, or of the Zillah Registrars shall be computed, shall be repealed; and that such limited periods for appealing from any such Decree shall be computed from the day on which the Decree is sealed and signed agreeably to Section XXVII., Regulation III., of 1802 of the Madras Code: Provided always, that if, within such limited period as aforesaid, an application be made by a Plaintiff or Defendant for a copy of the Decree, or for a copy or a translation of the Abstract mentioned in the clause last preceding, or for both, a copy of the Decree and a copy or a translation of the Abstract, and if the Document or Documents so applied for be not delivered or tendered on the same day to the party applying, then for every day of such delay not attributable to that party, a day shall be added to the period allowed for appealing, in as far as the right of the party is concerned.

IV. And it is hereby enacted, that the day on which the time for appealing will expire, shall be certified at the end of every document furnished to any party according to the last preceding Clause.

V. And it is hereby enacted, that on the day on which any such Decree is sealed and signed, the day on which the original limited period for appealing will expire shall be proclaimed in open Court.

Repealed by Act X., 1861, wherever the Code of Civil Procedure is in operation.

MADRAS.—CRIMINAL JURISDICTION.

Act No. XXXVI. of 1837.

[*Passed on the 20th November*, 1837.

1. The jurisdiction vested in Collectors, &c., by Regulations 9, 1822, and 7, 1828, in cases of embezzlement of public money, &c., and of falsification of public accounts, &c., shall extend to such offences by any person of the classes described in Clause 3, Section 2, Regulation 9, 1822.

2. The same Regulations to apply to cases provided for by above Section.

I. It is hereby enacted, that from the Fifteenth day of December, 1837, the Jurisdiction vested in Collectors, Subordinate Collectors, and Assistant Collectors, by Regulation IX. of 1822, and VII. of 1828, of the Madras Code, in cases of embezzlement of public money, and of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall extend to cases of the embezzlement of any public property, or the falsification, destruction, or concealment of any public account, record, voucher, or document relating to any public property, by any person of any of the classes described in the Third Clause of Section II. of the said Regulation IX. of 1822.

II. And it is hereby enacted, that from the said day, all provisions of either of the said Regulations IX. of 1822, and VII. of 1828, which apply to cases of the embezzling of any public money, shall apply to cases of the embezzling of any public property whatever, by persons of any of the classes described in the Third Clause of Section II. of the said Regulation IX. of 1822; and that all provisions of either of those Regulations, which apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to any public property whatever, by persons of any of the said classes.

BOMBAY.—POLITICAL OFFENCES.

Act No XXXVII. of 1837.

[*Passed on the 20th November*, 1837.

1. Repeals so much of Section 26, Regulation 13, 1827, as requires special Courts to forward their proceedings to the Governor in Council, upon the trial

of persons charged with political offences: such proceedings to be forwarded to the Foujdarry Adawlut.

2. Such trial to proceed according to the same rules as other trials: but sentence not to be carried into effect until proceedings reported to the Governor in Council.

I. It is hereby enacted, from the First day of January, 1838, so much of Section 26, Regulation XIII., 1827, of the Bombay Code, as requires that the Special Courts for the trial of persons charged with offence of a political nature, shall forward their proceedings to the Governor in Council, be repealed; and those Courts shall from the said First day of January, 1838, forward their proceedings to the Foujdarry Adawlut.

II. And it is hereby enacted, that the Foujdarry Adawlut, on the receipt of any trials referred to them under this Act, shall proceed thereupon according to the rules in force with respect to other trials referred to them; except that they shall in every instance report their sentence, with the whole of the proceedings held upon the case, to the Governor in Council, and shall wait the orders of Government before they direct their sentence to be carried into execution.

Repealed by Act XVII., 1862, wherever the Code of Criminal Procedure is in operation.

BENGAL.—LOCAL AGENT.

ACT No. XXXVIII. OF 1837.

[*Passed on the 20th November*, 1837.

No person to be incapable of being appointed a Local Agent under Regulation 19, 1810, by reason of his not being in the Civil, Military, or Medical branch of the service.

It is hereby enacted, in modification of the provision contained in Section IX., Regulation XIX., of 1810, (*a*) of the Bengal Code, that no person shall, by reason of his not being in the Civil, Military, or Medical branch of the service, be incapable of being appointed a Local Agent under that Regulation.

(*a*) By this Regulation the repair of Bridges, Serays, &c., is intrusted to the Board of Revenue, with the assistance of Local Agents, who, previous to the above Act, were required to belong to one of the above Services.

BOMBAY.—CUSTOMS ACT.

ACT No. I. OF 1838.

[*Passed on the 3rd January*, 1838.

1. Repeals all Regulations of the Bombay Code passed prior to 1827, excepting Sections 1, 2, 3, Regulation 6, 1799, and Clause 2, Section 7, Regulation 9, 1800, and Sections 14, 17, 20, 21, 25, Regulation 1, 1805, and Regulation 2, 1810, and Regulation 6, 1814.

2. Repeals Chapters 1, 2, 4, 6, 8, 9, Regulation 20, 1827, together with the Appendices A, B, C, E. H, I, J, K; also Regulation 2, 1831; Regulation 13, 1831; Regulation 1, 1832; Regulation 4, 1833; Regulation 4, 1834; and all parts of Regulations prescribing the levy of transit or Inland Custom Duties &c., also Act 2, 1836.

3. The above Sections shall not prevent the levy of any town duty, or municipal tax, or toll on any bridge, &c., or fee for erection or maintenance of lighthouses.

4. Import Custom duties shall be according to the rates specified in Schedule A.

5. Export Custom duties shall be according to rates specified in Schedule B.

6. The firman privileges of ships of European nations, in the port of Surat, not to be affected by this Act.

7. Customs duties on goods passing by land into or out of Foreign European Settlements within the limits of the Presidency of Bombay shall be levied at the rates prescribed for exports and imports on foreign bottoms

8 The Governor in Council may declare by notice that the Territories of any Native Chief not subject to the authorities of the Presidency, shall be deemed foreign territory, and to declare Goods passing into or out of it, liable to the duty fixed for British or Foreign bottoms.

9. For the levy of Customs duties on Goods exported by land to, or imported by land from such foreign territories, Customs Chokees may be established. Officers at such Chokees may detain Goods to examine, &c.—Goods not to be allowed to pass until certificate is produced of Customs duties having been paid.

10. The Governor in Council may appoint Officers to receive Customs duties, and grant certificates of payment. Certificates delivered to Chokee Officers shall entitle Goods to pass frontier

11. Governor in Council shall give public notice of the appointment of Officer to receive duties. Officer to give certificates of payment. What the certificate shall contain.

12. No certificate shall be received at any Chokee more than 30 days after date thereof. Certificate not used, may be renewed with fresh date, upon giving up the old one.

13. Governor in Council may prescribe by what routes Goods shall be allowed to pass into or out of Foreign Territory. Goods taken by other routes except by ignorance or accident may be sent back.

14. Goods passed or attempted to be passed across any frontier guarded by Chokees between sunrise and sunset shall be seized and confiscated.

15. Any Chokee Officer permitting Goods to pass across the frontier not covered by certificate, or to pass by prohibited route shall on conviction before Collector of Customs be imprisoned not exceeding 6 months, and fined not exceeding 500 Rupees, commutable if not paid to a further imprisonment of 6 months.

16. Chokee Officers needlessly and vexatiously injuring Goods under pretence of examining them, or wrongfully detaining Goods covered by certificates, shall be imprisoned for not exceeding 6 months, and fined not exceeding 500 Rupees, commutable to imprisonment for 6 months more.

17. Goods imported by Sea from Foreign European Settlement in India, or from any native state, the inland trade of which is subject to the duties levied on Foreign bottoms, shall be liable to same duties as imports on Foreign bottom

18. No Goods liable to duty shall be exempted except by Governor in Council. Baggage in actual use may pass free.

19. Goods imported from any other part of the same Presidency under Certificate shall be admitted free.

20. Duties paid on goods at any other Presidency shall be credited for at the Bombay Presidency.

21. Governor in Council may fix a value for articles liable to ad valorem duties

22. Goods for which a value has not been fixed shall be assessed according to market value at the place and time of exportation or importation, as case may be.

23. Owner or Agent, &c., of Goods shall declare the market value in his application for Custom House pass. What other particulars shall be stated on application.

24. Every such declaration if deemed correct shall be countersigned by Officer as admitted. If declared value deemed below real value, Collector may take the Goods as purchased for Government at declared value.

25. Governor in Council may declare what shall be landing and shipping ports, and Goods landed or attempted to be, at any other than declared ports, shall be seized and confiscated.

26. Master of vessels arriving in any port shall deliver a manifest of cargo according to form, or shall send it by first boat.

27. Master liable to fine of 1,000 Rupees, if the manifest shall not contain a full and true specification of Goods: and packages found on board in excess of the manifest, or differing, &c., shall be liable to be seized and confiscated, or charged with increased duties.

28. If inward bound vessel shall remain outside or below the place fixed by Governor in Council for the first delivery of manifests, manifest shall be delivered to first person coming on board to receive it. Master refusing to deliver manifest shall be fined not exceeding 1,000 Rupees, and until paid, no port clearance shall be given.

29. No vessel shall break bulk until Collector has received a manifest, and has given order for discharge of cargo. Collector may refuse such order until port clearances, &c., shall have been delivered to him.

30. No Goods to leave any vessel until vessel is entered in the Custom House and order for discharge of cargo is given. Goods to be seized as contraband, if removed in contravention of this provision. Cargo not declared for re-exportation may be sent to land.

31. If manifested goods are not found on board, or short, and not duly accounted for, the Master shall be liable to a penalty, &c. Collector of Customs may permit Master to amend obvious errors in manifest.

32. Places to be appointed for the landing and shipment of Goods; and Goods not to be landed at any other.

33. Governor in Council may maintain Special establishments of boats for the landing and shipment of cargo. Goods sent in other boats liable to confiscation.

34. Officers may be sent on board to watch the lading and unlading of vessels.

35. Master of vessel refusing to receive Officer on board with one servant, or not affording him shelter, &c., and water with means of cooking, shall be fined, not exceeding 100 Rupees, &c.

36. Collector of Customs may issue warrant for search of Vessel. Officer may require Cabins, &c., to be opened in his presence, or may break them open. Goods found concealed liable to confiscation. Master refusing to allow a search, to be fined 1,000 Rupees

37. Master removing or putting on board any Goods between sun-rise and sun-set, or any day when Custom House is closed, &c., without leave, shall be fined not exceeding 500 Rupees.

38. Cargo-boat not to make fast to or lie alongside vessel with Custom House Officer on board, unless it has a permit, or the Goods are covered by a pass.

39. Boat not to be sent on shore with Cargo. Requisites of the boat-note.

40. Goods brought to Custom House, not corresponding with pass, &c., shall be liable to confiscation.

41. Goods attempted to be removed after they have been landed, without a pass, shall be confiscated, unless the attempt was made without the sanction of the owner.

42. The Collector of Customs may require goods brought by sea and stowed in bulk to be weighed or measured before sent to land, and may levy duty according to weight or measurement.

43. Salt certificated as having paid the duty may be re-exported without payment of further duty.

44. 20 days exclusive of Sundays, &c., from time Officer goes on board shall be allowed for discharge of Vessels not exceeding 600 Tons, 30 for larger Vessels. Vessels detaining Officer longer shall pay his wages and expenses.

45. If no officer is sent on board, Collector may fix a period, not less than

20 days for clearance of Vessel inward. Collector may order Goods to be landed and warehoused for security of duties and of freight and primage, &c.

46. Vessel not exceeding 600 tons to be allowed 15 days to take in export cargo, beyond the 20 days before specified; Vessel exceeding 600 tons to be allowed 20 days. What is to be done in case of Vessel, having discharged cargo, being laid up.

47. Master putting Goods on board before Officer is placed on board, shall be fined not exceeding 1,000 Rupees, and the Goods be re-landed.

48. Double duty to be levied upon Goods, if shipped after port clearance granted; or 5 per cent. on Goods free of duty, or on imported Goods the drawback shall be forfeited.

49. If Vessel has put back from stress of weather, &c., and cargo has to be unshipped, a Custom House Officer shall go on board and take charge of cargo. Owner may land the Goods under the rules for the importation of Goods, and the export duty shall be re-funded.

50. When Goods are re-landed before the lading of a vessel is completed, &c., the duty shall be returned to the exporter.

51. Governor in Council may make rules for the anchoring of coasting and country craft, &c., for delivery of manifests, &c., for landing and shipping Goods, &c. Persons contravening such rule to be fined not exceeding 100 Rupees.

52. Pattamars, Dhonies, Botellos, and other small craft from the Maldives, &c., shall be treated in Bombay as coasting craft of the British Territory provided they conform to Regulations.

53 No drawback to be allowed on Goods shipped on such Native craft.

54. Goods in such vessels not subject to import or export duty; but if brought in such vessels and transhipped, they shall be liable to same duty as if brought in the vessel into which they are transhipped.

55. Goods not to be transhipped, except under order from the Collector.

56. Except at Bombay, an anchorage fee shall be levied on all country craft above the burthen of 100 Maunds at rates in this section specified.

57 and 58. The Collector of Customs of the place where Goods are shall be competent to adjudge confiscation. And may refuse Port clearance until fine on person in charge of vessel is paid.

59. If seizure of Goods has been vexatious, the Collector may adjudge damages to owner, besides ordering Goods to be released. Such damages if accepted shall bar action against Officer. If confiscation of Goods is legal, but too heavy a penalty, the same may be commuted for double duty. Officers may be rewarded out of proceeds of sale of confiscated Goods.

60. Officers of Customs to be amenable to the Civil Courts by action, &c. But not Collector in respect of judicial awards.

61. Whoever intentionally obstructs an Officer shall be imprisoned not exceeding 6 months, or fine not exceeding 1,000 Rupees, or both.

62. Any officer accepting a consideration for doing or forbearing any official act, shall be imprisoned not exceeding 2 years, or fined, or both.

63. Any Officer practising or attempting or abetting or conniving at, &c., any fraud against the Revenue, shall be imprisoned not exceeding 2 years, or fined, or both.

64. Governor in Council may transfer powers of Collector of Customs to any other functionary, may make rules, &c., establish bunders, &c., and fix rates of wharfage and rent, &c.

Repealed by Act I., 1852.

NORTH WESTERN PROVINCES.—SALT.

Act No. II. of 1838.

[*Passed on the 5th January,* 1838.

1. No salt manufacture to be established in N. W. Provinces except beyond the right bank of the Jumna, without notice to the Collector.

2, 3. Officer to be stationed at place of Salt manufacturer; and (3) to be paid by manufacturer.

4. Salt works established without notice to be destroyed, and Salt at them confiscated.

5. Land owners and occupiers to give notice of Salt works on their lands.

6. Magistrate to receive charges under the Act.

7. Resistance to Officers, how to be punished.

Repealed by Act No. XIV., 1843.

MADRAS AND COCHIN.—JUDICIARY.

Act No. III. of 1838.

[*Passed on the 5th January,* 1838.

1. Repeals Act VIII., 1837.

2. Joint Criminal Judge of Cochin, having Jurisdiction over Anjengo and Changancherry, shall exercise all the powers of Joint Magistrate, as defined in Madras Regulations.

Repealed by Act XVII., 1862.

BOMBAY.—PERJURY.

Act No. IV. of 1838.

[*Passed on the 29th January,* 1838.

Sudder Adawlut may commit any person for Perjury apparently committed before it, and send him for trial to the Zillah Court.

It is hereby enacted, that if it shall appear to the Court of

Sudder Adawlut of Bombay, that any person has been guilty of Perjury in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to the Zillah Court nearest to the Presidency in order to his being brought to trial before the Session Court of the Zillah in which such Zillah Court is situated; and such person shall be dealt with in the same manner, as if the Perjury had been committed within the limits of the local jurisdiction of such Court of Session. [Section III. of Act No. XV. of 1835, makes a similar provision for the Sudder Adawlut of Madras.]

BENGAL BONDED WAREHOUSE ASSOCIATION ACT.

ACT NO. V. OF 1838.

[*Passed on the* 14*th March,* 1838.

1. The persons in Schedule I. to be a Corporate Body, by name of the Bengal Bonded Warehouse Association.

2. Association may sue and be sued by its corporate name, and may hold by way of pledge; and may transfer property.

3. Ten Lacs, subscribed, shall be the Capital Stock, divided into 2,000 shares of 500 Rupees each.

4. Directors shall cause names, &c., of Proprietors to be registered. Register book shall be open to inspection of all persons.

5. Each Proprietor shall be entitled to have either a Certificate for each share, or one Certificate for all his shares, signed by three Directors.

6. Shares may be transferred by indorsement on Certificate, by Proprietor or his Attorney. Transfer not effectual until registered, and registration noted by Officer of the Association on the back of the Certificate.

7. Proprietor of Stock ceasing to be such, shall cease to be a member of the Association. Persons becoming proprietors shall become members.

8. Business shall be managed by six Directors. Names of first Directors.

9. Directors may be removed and elected by General Meeting of Proprietors.

10. Directors to go out by rotation Rotation to be settled by lot. Director going out not re-eligible till the year following.

11. If Director ceases to be so except by rotation, a new one shall be elected at an extraordinary general meeting.

12. No person to be eligible to be a Director who has not 15 shares for which he has been registered 3 months.

13. No person eligible for Director, unless resident in the Bengal Territory.

14. Ordinary meetings shall be held twice a year. What business shall be done at them. No dividend to be paid out of capital.

15. Ordinary meetings may be adjourned.

16. Extraordinary meetings may be held according to Bye-laws, after 14 days' public notice.

17. At general meetings questions to be decided according to majority of votes. No person to vote unless he has 2 or more shares.

18. Proprietors to vote according to following scale, viz, &c.

19. Joint vote of partners to be received as the vote of a single proprietor.

20. Proprietor may vote by proxy. Proxy may be general or special, limited or unlimited.

21. Directors may expend money in purchasing and erecting warehouses, &c.; may appoint and remove servants, &c., and generally manage the concern of the Association, subject to Bye-laws, &c.; may keep seal; but seal not to be used without the consent of 3 Directors, who shall sign instrument.

22 Directors may call on Proprietors to pay such sum as, together with previous payments, shall amount to 50 per cent. on such share. Further calls to be made only under authority of general meeting.

23. Interest at the rate of 10 per cent. to run on each call. Dividend may be applied in satisfaction of unpaid calls.

24. Directors may refuse to register transfer, by person who has not paid his instalment. Shares may be sold to satisfy calls. Purchaser to have a new Certificate.

25. Act XXV., of 1836, to extend to Warehouses of this Association.

26. Association may give a general security by Bond for payment of duties on goods in its Warehouses.

27. Directors may fix rate for receiving goods.

28. Secretary to give a warrant to the person lodging goods. Warrant to be transferable by indorsement.

29. Suits against the Association to be brought only in the Supreme Court.

30. The Joint Stock of the Association to be personal estate and in the nature of chattel interests, and not real estate.

31. Individual Members not to be liable, but only the property of the Association.

32. Association may make Bye-laws, subject to approval of two extraordinary general meetings.

33. The Association may increase its Capital Stock, by vote of two extraordinary general meetings.

34. If Stock is increased, original Proprietors not bound to subscribe, but to have the option. Stock not taken by original Proprietors to be sold for the benefit of the Association.

35. All rules respecting original Stock to apply to increased Stock.

36. East India Company shall have right of pre-emption, in case Association dispose of property purchased from East India Company. Price to be fixed by 2 appraisers.

37. Governor General in Council may, after 14th March, 1860, direct Association to be dissolved.

38. Two-thirds in number and value of Proprietors of Stock may dissolve the Association, at 2 extraordinary meetings, held at intervals of 3 months.

39. Whenever dissolution takes place, the property of the Association shall be converted into money, and divided, and thereupon the Association shall be dissolved.

Schedule 1. List of Proprietors.
2. Warrant of Deposit.

Amended by Act V., 1854.

I. It is hereby enacted, that the persons whose names appear in the Schedule No. 1, hereunto annexed, shall, from the 14th day of March, 1838, form a corporate body for the Warehousing of Goods, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association.

II. And it is hereby enacted, that the said Association shall sue and be sued by its corporate name, and shall use such common seal as the Directors of the said Association shall from time to time appoint, and may acquire, may hold absolutely, may hold by way of pledge, and may transfer, any description of property whatever.

III. And it is hereby enacted, that the sum of 10,00,000 Rs. subscribed for the purpose of the said Association by the persons hereby incorporated, shall be the Capital Stock of the said Association, and shall be divided into 2,000 shares of 500 Rupees each, and that every one of the persons hereby incorporated shall have one share of such Capital Stock for every 500 Rupees which such person shall have subscribed.

IV. And it is hereby enacted, that the Directors of the said Association shall cause the names, additions, and places of residence of the proprietors of shares in the said Capital Stock, and the number of shares held by each proprietor, to be registered in a book, and the said shares shall in such book be numbered, beginning from No. 1, and such book shall be kept at the office of the said Association, and shall there be open to the inspection of all persons during the usual hours of business.

V. And it is hereby enacted, that a certificate signed by three Directors of the said Association shall be delivered to every proprietor of the said Capital Stock, and that it shall be at the option of every proprietor of several shares to receive one certificate for

all the shares of such proprietor, or one certificate for each of those shares or several certificates, each of which may be for any number of those shares.

VI. And it is hereby enacted, that any share or shares of the said Capital Stock may be transferred by indorsement made on the certificate for such share or shares by the proprietor of such share or shares, or by the Attorney of such proprietor duly authorized thereunto; provided always, that such indorsement shall specify the name of the party to whom the transfer is made; and provided also that no such indorsement shall be effectual to transfer any such share or shares until such indorsement shall have been registered in a Register to be kept for that purpose at the office of the said Association, and until a note of such registration, and of the date thereof, shall have been made on the back of the indorsed certificate under the hand of an officer appointed for that purpose by the Directors of the said Association.

VII. And it is hereby enacted, that every proprietor of a share of the said Capital Stock, who shall cease to be a proprietor of such Stock, shall cease to be a member of the corporation created by this Act; and that every person who shall become a proprietor of the said Capital Stock, shall become a member of the corporation created by this Act; and shall, in respect of his share or shares of the said Capital Stock, be under the same liabilities under which an original proprietor of the said Capital Stock would be.

VIII. And it is hereby enacted, that the business of the said Association shall be managed by six Directors, and that Francis Macnaghten, Joseph Walker, Jasper Ouseley, Richard Howe Cockerell, Alexander Colvin, Joseph Willis, and James Church, Esquires, shall be the first Directors of the said Association.

IX. And it is hereby enacted, that every Director of the said Association may be removed by a general meeting of the proprietors, and that every future Director of the said Association shall be elected by such a general meeting.

X. And it is hereby enacted, that a rotation among the Directors of the said Association shall be settled by lot, so that two of the said Directors may go out of office on the Monday following the 15th day of May, in every year, and that on the Monday following the 15th day of May, in every year, a general meeting

of proprietors shall be held, at which two Directors shall be chosen, and that no Director going out by such rotation shall be capable of being re-elected, till the Monday after the 15th of May in the year next following.

XI. And it is hereby enacted; that if any Director of the said Association shall cease to be a Director, otherwise than by the operation of the rule of rotation aforesaid, the Directors of the said Association shall, with all convenient speed after such public notice as is hereinafter directed, call an extraordinary general meeting of the proprietors for the purpose of choosing a successor, and such successor shall come into the same place in the rotation aforesaid in which the Director whom he has succeeded was.

XII. Repealed by Act V., 1854, s. 1.

XIII. And it is hereby enacted, that no person shall be capable of being a Director of the said Association, unless he be resident within the Territories subject to the Presidency of Fort William in Bengal.

XIV. Repealed by Act V., 1854, s. 1.

XV. And it is hereby enacted, that any ordinary general meeting of the said Association may adjourn itself to a future day, and may, on the day to which it shall have so adjourned itself, resume its proceedings, and transact any business which it would have been competent to transact on the day when it originally assembled.

XVI. And it is hereby enacted, that extraordinary general meetings of the said Association shall be held according to such rules as may be made for that purpose, in the Bye-laws of the said Association; provided always, that no such extraordinary general meeting shall be held without a previous notice of not less than fourteen days, which notice shall be published in not less than two newspapers printed at Calcutta.

XVII. And it is hereby enacted, that at General Meetings of the Proprietors, every election and question shall be decided by a majority of votes; and that no proprietor shall be allowed to vote unless he be possessed of two or more shares of the Capital Stock of the said Association, which shares shall have been registered in his name not less than three calendar months before.

XVIII. And it is hereby enacted, that at such general

meetings, no proprietor shall have more than eight votes, and that the proprietors shall vote according to the following scale: —

2	Shares shall entitle to	1 Vote.
4	„	2 ditto.
6	„	3 ditto.
10	„	4 ditto.
20	„	6 ditto.
35	„	7 ditto.
50	„	8 ditto.

XIX. And it is hereby enacted, that if more persons than one, being partners in trade, shall be joint proprietors of two or more shares of the said Capital Stock, and shall agree to give a joint vote or joint votes, such joint vote or joint votes, shall be received in all respects as the vote or votes of a single proprietor would be received.

XX. And it is hereby enacted, that every proprietor entitled to vote at any general meeting may give a proxy in writing, general or special, limited or unlimited, and signed by himself or by his attorney duly authorized thereunto, to any other proprietor; and that the Proprietor to whom the proxy is given, may vote on behalf of the proprietor who had given the proxy, according to the terms of such proxy.

XXI. And it is hereby enacted, that the Directors of the said Association shall have authority to expend the money of the said Association for the purpose of purchasing and erecting warehouses, and of warehousing and bonding goods therein, and to make and fulfil contracts for the said purpose, and to appoint and remove such servants as may be necessary for the said purpose and generally to manage all the concerns of the said Association, subject to such rules as may be laid down in the Bye-laws of the said Association, and to keep the Seal of the said Association, and to use the said Seal in the affairs of the said Association, provided always, that the said seal shall never be affixed to any instrument except in the presence and by the consent of three Directors, who shall sign their names on every such instrument in token of their presence and consent.

XXII. And it is hereby enacted, that the Directors of the said Association shall have authority to call on the proprietors to pay such instalment or instalments as shall, together with the

instalments already paid, amount to a sum not exceeding 50 per cent. on each share; and that no further call shall be made, except in consequence of a vote of a general meeting of the proprietors, authorising such further call; provided always that no proprietor shall be called upon to pay more in proportion to his share in the Capital Stock than any other proprietor.

XXIII. And it is hereby enacted, that if any proprietor shall not pay any instalment which he is lawfully called upon to pay, in the manner described in the last Section, on the day appointed for such payment, the said Association shall have a claim against such proprietor for interest on the deficient sum, after the rate of 10 per cent. per annum; and that it shall be lawful for the Directors of the said Association to apply, in satisfaction of such instalment and of such interest, any dividend due to such proprietor, placing every dividend so applied to the credit of such proprietor with the said Association.

XXIV. And it is hereby enacted, that it shall be lawful for the Directors of the said Association to refuse to register the transfer of any share belonging to any proprietor who shall not have paid such instalment and interest as aforesaid; and that in case such instalment and interest shall not be paid within two months after notice to pay the same has been given by the said Directors to such proprietor, or to his attorney or attorneys duly authorized, it shall be lawful for the said Directors to sell by public sale the share or shares of such proprietor, to such an extent as may be sufficient to satisfy such instalment and interest, and to grant, upon such sale, a new certificate or new certificates to the purchaser of such share or shares whereupon the former certificate or certificates for such share or shares shall become void, and if there be any surplus after such instalment and interest have been satisfied, such surplus shall be paid on demand to the proprietor of such share or shares, and shall, till demand, be credited in the books of the said Association to such proprietor, but no interest shall run thereon.

XXV. And it is hereby enacted, that all the provisions of Act No. XXV. of 1836, of the Governor General of India in Council, relating to private licensed Warehouses, shall be applicable to all Warehouses wherein the said Association shall receive bonded Goods.

XXVI. And it is hereby enacted, that it shall be lawful for the said Association to give general security, by bond, under the seal of the said Association, for payment of the full duties of importation on Goods lodged in any Warehouse of the said Association, or for the due exportation of such Goods; and if the said Association shall give such bond, no security shall be required from any other party to the same effect.

XXVII. And it is hereby enacted, that the Directors of the said Association shall, from time to time, fix the rates at which the said Association will Warehouse Goods and receive Goods at its Wharfs, and that a table of such rates shall be placed at every Warehouse and Wharf of the said Association.

XXVIII. And it is hereby enacted, that as often as any Goods are lodged in any Warehouse of the said Association, the Secretary of the said Association shall deliver a warrant signed by him as such Secretary, to the person lodging such Goods, which warrant shall be, as nearly as possible, in the form set forth in Schedule II. annexed to this Act, and such warrant shall be transferable by indorsement, and shall entitle any person to whom it may have been so transferred by endorsement, to receive the Goods specified in such warrant, on the same terms on which the person who originally lodged those Goods would have been entitled to receive the same.

XXIX. And it is hereby enacted, that all suits brought against the said Association shall be brought in the Supreme Court of Judicature at Fort William in Bengal and not elsewhere.

XXX. And it is hereby enacted, that all the Joint Stock of the said Association of what kind or description soever, and all the Land, Warehouses, Messuages, Tenements, Hereditaments, Premises and Property acquired therewith, of which the said Association shall become in any manner possessed, entitled to, or interested in, shall be held and enjoyed by the proprietors thereof, and their successors respectively, as Personal Estate, or as in the nature of Chattel Interests, and not as, or in the nature of, Real Estate.

XXXI. And it is hereby enacted, that in order to define the liability of Proprietors of shares, and to save harmless themselves and their respective Heirs, Executors, Administrators, Representatives and Assigns, no Proprietor, his Heirs, Executors, Admi-

nistrators, Representatives or Assigns, shall be personally liable to any person or persons whatsoever by reason of being a Proprietor in any event or for or on account of any acts, deeds, contracts or liabilities of the said Association, or of the Directors or Secretary thereof respectively, or under or by virtue of any judgment or decree in any action or suit, but that the party or parties having any legal or equitable demand or claim for or on the account last aforesaid, or having obtained such judgment or decree as last aforesaid, shall and may only recover the amount of such demand, claim, judgment or decree from and out of or to the whole extent of the paid up Capital, accumulated Funds, Lands, Messuages, Tenements, Hereditaments and Premises whatsoever and wheresoever, which may at the time belong to the said Association, or to which they may at the time be entitled.

XXXII. Repealed by Act V., 1854, s. 1.

XXXIII. And it is hereby enacted, that it shall be lawful for the said Association to increase its Capital Stock; provided always that no such increase shall take place unless it be authorized by a vote of two extraordinary general meetings of Proprietors specially convened for that purpose, of which meetings the second shall be held not less than three calendar months after the first.

XXXIV. And it is hereby enacted, that in the event of such increase, the Proprietors of the original Stock shall not be bound to subscribe, but shall in the first instance have the option of subscribing for the increased Capital Stock in proportion to the share which each has of the original Capital Stock; and so much of the additional Capital Stock as shall not be subscribed for by the said Proprietors of the original stock, within one year after the passing of the final resolution for the increase, shall be open to the public, and be sold, for the benefit of the said Association, by public sale.

XXXV. And it is hereby enacted, that all the rules laid down in this Act respecting the original Capital Stock of the said Association, shall be applicable to any additional Stock which may be subscribed in the manner hereinbefore described.

XXXVI. And it is hereby enacted, that if the said Association shall be desirous to dispose of any premises purchased by the said Association from the East India Company, the said East India Company shall have the right of pre-emption, and the price

shall be fixed by two appraisers, the one named on the part of the said East India Company, and the other by the Directors of the said Association; and if the said appraisers shall not agree on a price, the price shall be fixed by an umpire named by the said appraisers.

XXXVII. Repealed by Act V. of 1854, s. 1.

XXXVIII. And it is hereby enacted, that the said Association may at any time be dissolved by a resolution to that effect of two-thirds in number and value of the proprietors qualified to vote at two successive extraordinary meetings specially called for the purpose of taking into consideration the expediency of such dissolution; provided that not less than three months shall have elapsed between the first and second of such two extraordinary meetings.

XXXIX. And it is hereby enacted, that whenever the dissolution of the said Association shall be ordered either by the Governor General of India in Council, or by a vote of the said Association, the Directors of the said Association shall cause all the property of the said Association to be converted into money, and shall divide whatever surplus may remain after satisfying the debts of the said Association among the proprietors in proportion to the shares which the proprietors have in the Capital Stock of the said Association; and after such distribution the said Association shall forthwith be dissolved.

SCHEDULE No.

LIST OF PROPRIETORS OF SHARES.

R. H. Cockerell.
W. Speir.
W. Martin.
R. Speir.
T. Speir.
J. S. Brownrigg.
J. Cockerell.
G. G. de H. Larpent.
J. St. Pourcain.
J. M. Dove.
Gungapersaud Gossain.
Ramchunder Seal.
J. Willis.
W. Earle.
D. Willis.
T. Willis.
James Colquhoun.
James Church.
Edward Harding.
Henry Moore.
R. Watson.
Mrs. B. Betty.
Henry Mackenzie.
Adam Scott and Co.
Holodhur Chowdry.
Charles S. Gover.
K. B. Mackenzie.
S. R. Crawford.
T. A. Shaw.
W. A. Shaw.
H. Walters.
J. Innes.
Charles Lyall.
John Lyall.
David Lyall.
W. T. Dawes.
Colville, Gilmore & Co.
Alexander Rogers.
J. H. Crawford.
A. Porteous.
J. Mackey & Co.
James Mackenzie.
P. J. Sarkies.
G. Collier.
R. Bird.
J. Ranken, M.D.
Brijobullub Doss & Gocul Doss.

SCHEDULE No. I.—(CONTINUED.)

LIST OF PROPRIETORS OF SHARES.

J. Master.
G. C. S. Master, Lieut.
Trustees of Mrs. Limond's Marriage Settlement.
J. W. J. Ouseley, Captain.
G. A. Prinsep.
W. Barrington, Captain.
T. C. Robertson.
Ramdas Dey.
Bonomalee Mullick.
A. Muller.
Charles Trebeck.
T. Bowring.
J. W. Alexander.
T. B. Swinhoe.
Robert Swinhoe.
A Dobbs.
John Watson.
Taraneechurn Chatterjee.
G. Herklots, Junior.
F. O. Wells.
C. Lancaster.
C. Lancaster, Trustee for Mrs. Cornish's Marriage Settlement.
George Dougal.
John Richards.
Bruce, Shand & Co.
G. W. A. Lloyd, Lt -Col.
W. Freeth, Captain.
J. P. Marcus.
Mrs. Bruce.
Miss L. W. Bruce.
Joseph Bruce.
Charles C. Bruce.
Debnarain Day.
William Bruce, Trustee for Mrs. Col. Lloyd.
W. Ryland.
M. Hughes, Captain.
Annundchunder Mitter.
J A. Walker.
T. Hyde Gardiner.
J. C. Owen.
W. Adam.
Joseph Worthington.
James Cullen.
J. C. Palmer.
A. Colvin.
W. Ainslie.
H. Cowie.
T. S. Anquetil, Lt.-Col.
W. H. Martin.
A. Irvine, Major.
W. A. Peacock.
J. A. Moore, Major.
T. W. Burt.
William Braddon.
Francis Macnaghten.
Carr, Tagore and Co.
W. Carr, Trustee for Mrs. Dick's Marriage Settlement.
Robert Lyall.
Moheshchunder Mitter.
Prawnkisto Doss.
Conai Lal and Mukun Lal.
J. Rostan, Junior.
J. H. Rostan.
Madobchunder Sandell.
Dyalchaund Bysack.
Gopeekissen Paul.
Ditto ditto, for Mrs. A. G. Glass.
Ditto ditto, for E. B. Squire, Junior.
Doorgachurn Bose.
Rajkissore Lahory.
Gourmohun Coondoo.
S. Hornby.
Hurrischunder Bose.
Ramsoonder Mullick.
Rajchunder Ghose.
Radanauth Dutt.
H. Barrow.
Godadhur Mitter.
E. D'Cruz.
Goluckchunder Dur.
Luckinarain Day.
T. Blechynden.
A. S. Stopford.
A. Beattie.
Wilson, Frith and Co.
G. C. Arbuthnot.
A. Jackson.
A. S. Gladstone.
J. Craigie, Lieut.-Col.
J. Williams.
J. B. Higginson.
Megnarain Roy.
Ramnarain Mookerjee.
Doorgachurn Mookerjee.
Gowrichurn Mookerjee.
I. B. Biss.
J. S. Biss.
Rogoonath Coondo.
W. F. Gibbon.
J. Cock.
H F. King.
James Hill.
W. Rushton.
A. J. Sturmer.
Boloram Day.
Obhoychurn Mookerjee.
Bolychaund Bysack
Mrs. Sarah Moss.
W. Barrett.
Hurrimohun Mookerjee.
Mohunchunder Ghose.
Horrimohun Banorjee.
Kistnomohun Seal.
Hurrochunder Bose.
W. Stacy.
J. George.
Mrs. C. Shelverton.
C. Shelverton.
Cassinauth Banorjee.
P. S. D'Rozario.
J. D'M. Sinaes, in Trust for Miss J. F. Speed.
Gorachaund Bose.
J. E. Dunn.
D. W. H. Speed.
Rajkissen Dey.
Jomejoy Bhose.

SCHEDULE No. II.

CALCUTTA BENGAL BONDED WAREHOUSE ASSOCIATION.

I do hereby Certify that have deposited in the Warehouse of the Association the undermentioned Goods which Goods, the Association engage on demand, after payment of rent and incidental charges and Government dues or customs chargeable thereon, to deliver to the said or their Assigns, or to the holder of this warrant to whom it may be transferred by indorsement.

———*Secretary.*

BOMBAY.—JUDICIARY.

Act No. VI. of 1838.

[*Passed on the* 19*th March*, 1838.

Governor in Council may authorize Commission of enquiry into charge of malversation against any public servant, to summon witnesses, administer oath, examine, &c.

Repealed by Act XXXVII., 1850.

BENGAL.—JUDICIARY.

Act No. VII. of 1838.

[*Passed on the* 23*rd April*, 1838.

Judge of Zillah or City Court may exercise the powers vested in a Single Judge of the Sudder Dewanny Adawlut by Clause 2, Section 2, Regulation IX., of 1831.

It is hereby enacted, that it shall be lawful for a Judge of any Zillah or City Court, within the Territories subject to the Presidency of Fort William in Bengal, to exercise the powers vested in a single Judge of the Sudder Dewanny Adawlut, by Clause 2, Section II., Regulation IX., of 1831, of the Bengal Code. [Extended to P. S. Ameens by Act XXVI., 1852.]

Repealed by Act X., 1861, wherever the Code of Civil Procedure is in operation.

BOMBAY.—TOLLS.

ACT VIII. OF 1838.

[*Passed on the* 23*rd April*, 1838.

1. Rates of toll levied at the Bhore Ghaut on Palanquins, &c.
2. Act II., 1837, to apply to tolls under this Act.

Repealed by Act VIII., 1851.

BOMBAY.—FINES.

ACT No. IX. OF 1838.

[*Passed on the* 30*th April*, 1838.

Sessions Judges in imposing a fine, may award part of it, as a compensation to the party injured.

Repealed by Act XVII., 1862.

KUMAON.—JURISDICTION.

ACT No. X. OF 1838.

[*Passed on the* 30*th April*, 1838.

1. Repeals Regulation 10, 1817, of Bengal Code.
2. Functionaries in Kumaon may be placed under control of Courts of Sudder Dewanny Adawlut, Nizamut Adawlut, and Sudder Board of Revenue, at Allahabad, in Civil, Criminal, and Revenue cases respectively.

I. It is hereby enacted, that Regulation X., 1817, of the Bengal Code, be repealed.

II. And it is hereby enacted, that the Functionaries who are or may be appointed in the Province of Kumaon, be henceforth placed under the control and superintendence, in Civil Cases, of the Court of Sudder Dewanny Adawlut, at Allahabad, in Criminal Cases of the Court of Nizamut Adawlut at Allahabad; and in Revenue Cases of the Sudder Board of Revenue at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions, as the said Functionaries may have received, or may hereafter receive, from the Government of the North Western Provinces of the Presidency of Fort William.

BENGAL.—AMEENS.

Act No. XI. of 1838.

[*Passed on the* 14*th May*, 1838.

1. Repeals Section 15, Regulation XIX., of 1814.

2. The Sudder Board of Revenue at Calcutta with the Sanction of the Governor of Bengal, and the Sudder Board of Revenue at Allahabad, with the Sanction of the Lieut. Governor in the North Western Provinces, may fix the remuneration for effecting a partition of an estate, and to cause the same to be levied as an arrear of Revenue.

Repealed by Act XIX., 1863.

MADRAS.—HIDDEN TREASURE.

Act No. XII. of 1838.

[*Passed on the* 21*st May*, 1838.

Powers vested in Zillah or Assistant Judges to be vested in Principal Sudder Ameen, in respect of hidden treasure, subject to same rules as applied to powers of former Judges.

It is hereby enacted, that from the First day of July, 1838, all powers vested by Regulation XI. of 1832, of the Madras Code, in Zillah or Assistant Judges, shall be vested in every Principal Sudder Ameen within the Territories subject to the Government of the Presidency of Fort St. George in respect of all hidden treasure of any of the kinds specified in Section II. of that Regulation, which may be found within his jurisdiction; and all rules applicable to Zillah or Assistant Judges, shall be applicable to every such Principal Sudder Ameen, in respect of such Treasure.

BENGAL.—JUDICIARY.

Act No. XIII. of 1838.

[*Passed on the* 21*st May*, 1838.

1. The Governor General in Council may extend Regulation XII. of 1833 to the Court of any Principal Sudder Ameen, Sudder Ameen, or Moonsiff.

2. The Governor General in Council may delegate this power to the Governor of Bengal, and to the Lieutenant Governor of the N. W. Provinces.

Repealed by Act I., 1846.

MADRAS.—ABKARREE REVENUE.

ACT No. XIV. OF 1838.

[*Passed on the* 16*th July*, 1838.

The Governor in Council may extend Regulation III, 1820, and IX., 1831, to the Articles of Ganjah and Bang. No person without a license to have more than one-half viss.

It is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to extend the provisions of Regulations III., of 1820, and IX., of 1831, to the Articles of Ganjah and Bang:—the quantity of Ganjah and Bang which each person shall be allowed to have in possession without a licence, within the limits specified in any such order, shall not exceed one-half viss.

BOMBAY.

ACT No. XV. OF 1838.

[*Passed on the* 16*th July*, 1838.

Repeals Clause 1, Section 35, Regulation 12, 1827.

It is hereby enacted, that Clause 1, Section XXXV., Regulation XII., of 1827, of the Bombay Code, be repealed.

BOMBAY.—JUDICIARY.

ACT No. XVI. OF 1838.

[*Passed on the* 23*rd July*, 1838.

1. (1.) All suits in regard to tenures, and the interests connected therewith, and all suits respecting the right to possession of land or of the wuttuns of hereditary Officers, &c., shall be brought in the Courts of Adawlut, and not in Revenue Courts.

(2) But Revenue Courts may give possession of lands, &c., and all profits arising therefrom, to party dispossessed, provided application be made in 6 months after dispossession, but without prejudice to the right.

(3.) Saves the jurisdiction of the Revenue Courts under Clauses 3, 4, 5 of Section 31, Regulation 17, 1827.

2. If Judge or Collector doubts his jurisdiction he may refer to the Court which he deems to have jurisdiction, and the latter may refer to the Sudder Dewanny Adawlut, whose decision shall be final.

3. Subordinate Courts doubting their jurisdiction shall refer to their immediate superior, and the superior to the next higher Court as in last Section.

4. Sudder Dewanny Adawlut may refer to the proper Court proceedings which have been taken in a Court not having jurisdiction.

5 If suit is brought in a wrong Court the appeal Court shall not quash all the proceedings, but only annul the decree, and refer the suit to the proper Court New stamps necessary only on new exhibits.

6. Original suits and appeals on subjects enumerated in Clause 1, Section 1, of this Act, depending in Revenue Courts, shall be transferred to Courts of Adawlut, &c.

I. *Clause 1st.*—It is hereby enacted, in modification of the Rules contained in Chapter VII., Regulation XVII., of 1827, of the Bombay Code, that in the Territories subject to the Presidency of Bombay, all Suits in regard to tenures, and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all Suits in which the right to possession of land, or of the wuttuns of hereditary district or village Officers is claimed shall be brought in the Courts of Adawlut and the Courts subordinate thereto, and not in the Courts of Revenue.

Clause 2nd.—Provided nevertheless, that it shall be lawful for the Revenue Courts to give immediate possession of all lands, Premises, Trees, Crops, Fisheries, and of all profits arising from the same, to any party dispossessed of the same or of the profits thereof, provided application be made to them by such party within six months from the date of such dispossession. And in order to the due execution of such power, it shall be lawful for the Revenue Courts to determine the facts of such possession and dispossession;—and the party to whom the Revenue Courts shall so give immediate possession, shall continue in possession until ejected by a decree of a Court of Adawlut.

Clause 3rd.—Provided also, that nothing contained in this Act shall be held to interfere with the jurisdiction defined in clauses 3, 4, and 5, of Section XXXI., Regulation XVII., of 1827, of the aforesaid Code, which shall continue to be exercised by the Revenue Courts.

II. And it is hereby enacted, that if a Suit be presented in the Court of a Judge or Collector, which such Judge or Collector shall not deem within his jurisdiction, the party presenting such Suit shall be referred by the Court in which it may be first pre-

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sented to that in which, in the opinion of such Court, the jurisdiction lies, and the latter Court shall, in the event of its doubting its jurisdiction in the case, refer the question of jurisdiction to the Sudder Dewanny Adawlut, whose decision on the point shall be final.

III. And it is hereby enacted, that if a Suit be presented in any Court subordinate to the Court of a Judge or Collector, which Suit such subordinate Court shall not deem to be within its jurisdiction, such subordinate Court shall submit the case to the Judge's or Collector's Court to which such subordinate Court is subordinate, and if the superior Court to which the case is so submitted shall be of opinion that such subordinate Court has jurisdiction in the case, such superior Court shall direct such subordinate Court to proceed with the case, and if such superior Court shall be of opinion that such subordinate Court has not jurisdiction in the case, such superior Court shall proceed in the manner directed in the last preceding Section.

IV. And it is hereby enacted, that whenever a Court of Adawlut or a Revenue Court shall have entered on its file, under this Act, a Suit in which it has no jurisdiction, it shall be competent to the Sudder Dewanny Adawlut, either on a reference from the Judge or Collector (as the case may be), or on application from the parties, to direct that the Suit be transferred, with all the proceedings which may have taken place therein up to the period of transfer, to the Court possessing jurisdiction, which shall proceed therewith as if the Suit had been originally filed in that Court.

V. And it is hereby enacted, that when any Court trying an Appeal finds that the action was originally brought and decided in a Revenue Court, when it ought to have been brought and decided in a Court of Adawlut, or a Court subordinate thereto, or that the action was originally brought and decided in a Court of Adawlut, or a Court subordinate thereto, when it ought to have been brought and decided in a Revenue Court, the Court trying the Appeal shall, instead of quashing the whole proceedings, annul only the decree and refer the Suit to be tried in the Court to which the jurisdiction properly belongs, without further costs of stamps to the parties, except on new exhibits if any such should be allowed to be filed; and the Court trying any such

case referred under the foregoing Section shall take further pleadings, exhibits, and evidence, only if it deem such necessary, and shall pass a new decree; but if an Appeal be made from such new decree by the party originally bringing the Appeal, then the decree of the Court trying such new Appeal shall be passed without the cost of a new stamp on the petition of Appeal to that party.

VI. And it is hereby enacted, that all original Suits and Appeals relating to any of the subjects enumerated in Clause 1, Section I., of this Act, which may be depending in the Revneue Courts, shall be forthwith transferred to the Courts of Adawlut; and in all cases where the right of Appeal may now be open, the Appeal shall be brought to the Court to which, under the Rules of this Act, such Appeal shall lie.

MADRAS.—JUDICIARY.

ACT NO. XVII. OF 1838.

[*Passed on the* 13*th August*, 1838.

1. The Zillah Judges, Assistant Judges of Auxiliary Courts, and Principal Sudder Ameens may receive Summary Appeals from District Moonsiff's order, in certain specified cases.

2. Clauses 5 and 6, Section 5, Regulation 15, of 1816, regarding Summary Appeals shall apply to Appeals under this Act.

I. It is hereby enacted, that from the First day of September, 1838, it shall be competent to the Zillah Judges, the Assistant Judges of Auxiliary Courts, and the Principal Sudder Ameens in the Territories subject to the Presidency of Fort St. George, to receive a Summary Appeal from the Orders or Decrees of the District Moonsiffs stationed within their respective jurisdictions, in cases in which such District Moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them by superior authority.

II. And it is hereby enacted, that the Provisions contained in the Fifth and Six following Clauses of Section X., Regulation

XV., of 1816, of the Madras Code, regarding Summary Appeals, shall apply to the Summary Appeals preferred under the authority of this Act.

Repealed by Act X., 1861, wherever the Code of Civil Procedure is in operation.

BOMBAY.—SURETIES.

ACT No. XVIII. OF 1838.

[*Passed on the 20th August,* 1838.

1. Security in form A. shall be taken by Collector, &c., from Officer employed under him not being a Covenanted Servant or Commissioned Officer of East India Company.

2. (1.) Sureties jointly and severally liable, notwithstanding proceeding against Principal.

(2.) Surety liable only to extent of loss or damage sustained by Government by default of Principal.

(3). Surety not to be liable to summary imprisonment in default of producing public papers or property, provided he pays penalty of Bond.

3. Collector, &c, under sanction of Superior Revenue Authority, may demand additional security.

4 Surety may withdraw from suretyship: his responsibility to cease sixty days after his withdrawal, as to all subsequent demands against his Principal.

5. Liability of Surety not to be affected by death of Principal, or by his appointment to a situation different from that which he held when the Bond was executed.

6. Liability of Surety to commence from time of appointment of Principal, or from date at which former Bond was cancelled.

Schedule A., form of Bond.

I. It is hereby enacted, that from the First day of October next, in addition to the security authorized to be taken by Section XII, Regulation XVI., 1827, of the Bombay Code, it shall be lawful for every Collector or other Principal Officer entrusted with the collection or management of the Revenues of Government in the Territories subject to the Government of the Presidency of Bombay, to require security of one or more individuals in the Form of Schedule A., from any Officer employed under him, not being a Covenanted Servant or Commissioned Officer of the East India Company.

II. *First.* And it is hereby enacted, that the surety or sureties

of such Officer as is aforesaid, who may enter into a Bond of the Form Schedule A., shall be liable to be proceeded against jointly and severally in the same manner as his or their Principal is liable to be proceeded against, in case of default, and notwithstanding such Principal may be so proceeded against.

Second. Provided always, that no greater sum shall be recovered from the surety or sureties than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the Principal, as the amount which may be due from such surety or sureties under the terms of the Security Bond executed by him or them,

Third. And provided also, that the said surety or sureties shall, in no case, be liable to summary imprisonment in default of producing public papers or property, provided he or they pay into the Collector's treasury, the whole or such part of the penalty named in the Bond as may be demanded.

III. And it is hereby enacted, that the Collector or other Officer as aforesaid may at any time after security has been given, the sanction of the Superior Revenue Authority being first obtained, demand fresh or additional security, as may seem to him expedient.

IV. And it is hereby enacted, that any surety, whether under a separate or joint Bond, may withdraw from his suretyship at any time on his stating, in writing, to the Officer to whom the Bond has been given, that he desires so to withdraw; and his responsibility under the Bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his Principal concerning moneys, papers, or accounts for which his Principal may become chargeable after the expiration of such period of sixty days.

V. And it is hereby enacted, that the liability of the surety or sureties shall not be affected by the death of a Principal, or by his appointment to a situation different from that which he held when the Bond was executed.

VI. And it is hereby enacted, that the date from which the liability of the surety or sureties is to commence shall be stated in the Bond, and such date shall be that of the appointment to the situation which the Principal is declared in the Bond to hold, or that from which any former Security Bond has been cancelled,

or any other specific date which the Officer requiring such security may determine, and the party or parties executing the Bond shall agree to.

SCHEDULE A.

FORM OF BOND.

I, A. B. (we, A. B. and C. D.), do hereby become security on the part of E. F., holder of the office of———in the Collectorship of———and bind myself (ourselves severally and jointly) to make good all demands for public money, public papers, and accounts, and all other property appertaining to Government, which may have arisen from the date from which this Bond is to take effect as hereinafter mentioned, and which may arise during such period as this Bond may continue in force against the said E. F., and on failure to produce public accounts, papers, or other property appertaining to Government, not being money, I (or we) agree to forfeit such sum not exceeding (10,000 Rs. or as the case may be) as the Collector (or other Officer as the case may be) may deem proper.

This Bond is to have effect from the date of appointment of the said E. F. (or as the case may be).

Executed this ——— day of ——— in the year of ———

Witnesses.

(Signature of Security.)

BOMBAY—COASTING VESSELS.

ACT No. XIX. OF 1838.

[*Passed on the 27th August*, 1838.

1. Repeals Sections 20, 21, Regulation 20, 1827.

2. Rules to be in force with respect to coasting and fishing vessels and harbour craft belonging to Her Majesty's subjects.

3. Every such vessel, &c., to be marked, or branded, &c., with number, &c., in English figures and letters, &c.

4. Name, number, and burden to be registered. Who is to make registry Fresh registry to be made, if number, &c., is changed.

5. Owners to apply for registry. Registering Officer of subordinate port, to give information of registry, to Master Attendant at Bombay.

6. The duty of marking or branding, &c., shall be performed by the Master Attendant at Bombay, and by the Collector at other places.

7. Owner of vessel shall apply for a certificate of registry, which shall be in form in Schedule specified.

8. Certificate shall be sealed with seal of East India Company, and signed by registry officer.

9. Registration Act to take effect from 1st November, 1838.

10. Fees to be paid for Certificates of registry.

11. Fees to be accounted for and carried to the credit of the Government.

12. Certificate to be produced on demand to any Officer of Customs or of the Indian Navy.

13. Fines payable on infraction of the above regulations.

14. Governor in Council may direct compensation for trouble in making seizures under this Act.

15. Certificate from Marine Pay Master or Boat Master shall not be required to enable a boat to obtain port clearance. Schedule. Form of Certificate.

I. It is hereby enacted, that from the First day of November, 1838, Sections XX. and XXI., Regulation XX., of 1827, of the Bombay Code, be repealed.

II. And it is hereby enacted, that from the said First day of November, 1838, the following rule shall be in force with respect to vessels belonging to any of Her Majesty's subjects residing within the Presidency of Bombay, and employed on the coasts of the Territories subject to the Government of Bombay, or in trading coastwise, as also with respect to fishing vessels and harbour craft belonging to any of the same Her Majesty's subjects.

III. And it is hereby enacted, that every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same, by the officer authorized to make such registry as is hereinafter mentioned, and the owner or owners of such vessel employed as aforesaid, fishing vessel, and harbour craft, shall cause such name and number to be painted in black paint upon a white ground, on each quarter of such vessel employed as aforesaid, fishing vessel, and harbour craft, in English figures and letters, each figure and letter being six inches in length.

IV. And it is hereby enacted, that the name and number of every such vessel employed as aforesaid, fishing vessel, and harbour craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book, to be kept for that purpose, by the person hereinafter directed to make such

registry. At Bombay, such registry shall be made by the Master Attendant, and at other places within the said Territories, by the Collector of Sea Customs, at such places respectively, or by such other person as shall be appointed by the Government of Bombay, to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing vessel, or harbour craft, or in the name or names of the owner or owners thereof, such registry shall be made again; provided, however, that it shall not be lawful to give any name to such vessel employed as aforesaid, fishing vessel, or harbour craft, other than that by which she was first registered.

V. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply to the person authorized to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid. And whenever such vessel, employed as aforesaid, fishing vessel, or harbour craft, is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the Master Attendant at Bombay.

VI. And it is hereby enacted, that the duty of marking or branding, and of ascertaining the burthen of such vessels employed as aforesaid, fishing vessels, and harbour craft, at Bombay, shall be performed by the Master Attendant; and at all other places within the Territories subject to the Government at Bombay the duty of marking or branding, and of ascertaining the burthen of such vessels employed as aforesaid, fishing vessels, and harbour craft, shall be performed by the Collector of Sea Customs at such places respectively, or by such other persons as shall be appointed by the Government of Bombay to act at such places respectively in the execution of this Act.

VII. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply for and obtain a certificate of registry from the person authorized to make such registry as aforesaid, and such certificate shall be in the form specified in the Schedule appended to this Act; and in the case of any certificate being lost or des-

troyed, a renewed certificate may be obtained in the same manner and on payment of the fees hereinafter mentioned.

VIII. And it is hereby enacted, that such certificate of Registry shall be sealed with the seal of the East India Company, and shall be signed by the person authorized to make such registry.

IX. And it is hereby enacted, that such certificate shall be issued to every vessel employed as aforesaid, fishing vessel, and harbour craft as aforesaid, from the date of the expiration of the pass she is now furnished with:—the registrations with respect to fishing vessels and harbour craft to take effect from the First of November, 1838.

X. And it is hereby enacted, that the owner or owners of such vessels, employed as aforesaid (fishing vessels and harbour craft being excepted), on being registered as aforesaid, shall pay—

For each certificate of registry for a vessel not exceeding 20 Bombay candies burthen, the fee of . . .	1 Re.
For each certificate for a vessel, exceeding 20 such candies burthen, and not exceeding 100 candies burthen	5 Rs.
For each certificate for a vessel exceeding 100 such candies burthen, and not exceeding 400 candies burthen	7 Rs.
And for each certificate for a vessel of 100 tons, or greater burthen, per ton	2 As.

XI. And it is hereby enacted, that the person or persons so authorized to make such Registry as aforesaid, shall receive the fees payable for the same, and shall pay such fees to such Officer as the Governor of Bombay in Council shall appoint; the same to be carried to the credit of the Government of Bombay.

XII. And it is hereby enacted, that the owner or owners or commander of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall produce on demand thereof by any Officer of the customs within the said Territories, or by any Officer of the India Navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid, fishing vessel, or harbour craft, as above-mentioned.

XIII. And it is hereby enacted, that in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so marked or branded, in all respects, as hereinbefore

directed: or in case the name and number of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing vessel, or harbour craft, in all respects as hereinbefore directed; or in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not produce such certificate on demand thereof as hereinbefore directed; the owner or owners of every such vessel employed as aforesaid, shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable, and the owner or owners of any such fishing vessel, or harbour craft, shall be subject to a fine of ten Rupees; which fine may be recovered on conviction before any Magistrate, Justice of the Peace, or person exercising the powers of a Magistrate, having jurisdiction within the said Territories by sale of such vessel, fishing vessel, or harbour craft, her furniture, ammunition, tackle and apparel, and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall make such default as aforesaid, provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

XIV. And it is hereby enacted, that the Governor of Bombay in Council may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing vessel, or harbour craft, guns, furniture, tackle, ammunition, and apparel, as last mentioned to be made out of the proceeds of such seizure, to the person or persons who shall have seized the same, to such amount, in such manner, and in such shares or proportions, as to the said Governor in Council shall seem meet.

XV. And it is hereby enacted, that from the First day of November, 1838, a certificate from the Marine Paymaster at Bombay or from the Boat Master at Bombay, shall not be required in order to enable any person or persons to obtain a port clearance for any vessel at the Custom House of Bombay.

SCHEDULE.

This is to certify that————(here insert the names, occupation, and residence of the owners) having declared, that (he or they) are sole owner or owners of the vessel (fishing vessel or harbour craft) called (the name) which is of the burthen of (number of Bombay candies) and that the said vessel (fishing vessel or harbour craft) was (where and when built) the said vessel (fishing vessel or harbour craft) has been duly registered at the port of (name of port.) Certified under my hand. (Signature of Officer.)

POST OFFICE.

Act No. XX. of 1838.

[*Passed on the 27th August,* 1838.

1. Repeals Section 8, Act XVII., 1837.

2. On line of road having no Bhangee Post, letters and packages exceeding 12, and not exceeding 40 Tolas, may go by Letter Post under rules specified in Act.

3. Packets exceeding 40 Tolas may be forwarded or not at discretion of Post Master subject to rules aforesaid.

4. No packet brought for dispatch by Bhangee Post shall be returned on the ground that Bhangee Post has not been paid for the whole distance.

5. Any person wilfully certifying on any letter what is not true, for purpose of defrauding Post Office Revenue, shall be fined 50 Rupees.

6. Penalty 50 Rupees for sending any packet under provisions of this Act of the description mentioned in Table 2, Schedule A., Act XVII., 1837, &c.

7. Same penalty for sending under the provisions of this Act any packet of the description mentioned in Table 3, Schedule A, Act XVII., 1837.

8. All fines incurred under Post Office Acts, shall be demanded by notice from Post Master General or from any Post Master, and if not paid, shall be levied together with costs on goods and chattels. If no goods, offender may be committed to prison for 22 calendar months, unless fines, &c., sooner paid.

9. Post Master may detain any letter in respect of which any party shall be liable to a fine.

Repealed by Act No. XVII., 1854.

SILVER COINAGE.

Act No. XXI. of 1838.

[*Passed on the 27th August,* 1838.

1. The Governor General in Council in his executive capacity may direct the coinage of Silver Coins of a value represented in even sixteenths of the Company's Rupee.

2. Act No. XVII. of 1835, and No XXXI. of 1837, respecting the devices, inscriptions, and embellishments of Coins issued under Act XVII. of 1835, shall apply to the Coins issued under this Act.

I. It is hereby enacted, that it shall be lawful for the Governor General of India in Council, in his executive capacity, to direct the Coinage and issuing of any Silver Coins, of a value represented in even annas or sixteenths of the Company's Rupee, provided they be of the same standard as that prescribed for such Rupee by the Act No. XVII. of 1835, and of proportionate weight.

II. And it is hereby enacted, that the provisions of Act No. XVII. of 1805, and of Act No. XXXI. of 1837, applicable to the devices, inscriptions, and embellishments of the Coins coined and issued by virtue of the Act No. XVII. of 1835, shall be applicable to the Coins which may be coined and issued by virtue of this Act.

Repealed by Act XIII., 1862, s. 1.

BENGAL.—JUDICIARY.

Act No. XXII. of 1838.

[*Passed on the* 10*th September*, 1838.

1. Zillah and City Judges may receive a Summary appeal from the orders or decrees of Moonsiffs, if they have refused to admit any suit cognizable by them or have dismissed it for delay, informality, or other default, without investigation of the merits.

2. Clauses 5 and 6 of Section 3, Regulation XXVI., of 1814, and Section 2, Regulation XII., of 1833, and Section 7, Regulation IX, of 1831, shall apply to the summary appeals preferred under this Act.

1. It is hereby enacted, that from the First day of October, 1838, it shall be competent to the Zillah and City Judges, in the Territories subject to the Presidency of Port William in Bengal to receive a Summary Appeal from the orders or decrees of the Moonsiffs subordinate to them, in cases in which such Moonsiffs may have refused to admit any suit regularly cognizable by them or may have dismissed, on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them.

II. And it is hereby enacted, that the provisions contained in the Fifth and Sixth following Clauses of Section III., Regulation XXVI., of 1814, and Section II., Regulation XII., of 1833, and Section VII., Regulation IX., of 1831, of the Bengal Code, shall apply to the Summary Appeals preferred under the authority of this Act.

Repealed by Act X., 1861, wherever the Code of Civil Procedude is in operation.

MADRAS.

Act No. XXIII. of 1838.

[*Passed on the 17th September*, 1838.

Repeals part of Section 3, Regulation 4, 1831, and makes grants, therein mentioned liable to attachment and sequestration.

It is hereby enacted, that so much of Section III, Regulation IV., of 1831, of the Madras Code, as saves and excepts the liability to attachment or sequestration in certain cases of the grants mentioned in Section II. of the said Regulation, be repealed; and that such grants shall not be liable to attachment or sequestration in satisfaction of any decree or order of Court whatever.

BANK OF BENGAL ACT.

Act No. XXIV. of 1838.

[*Passed on the 24th September*, 1838.

I. It is hereby enacted, that Section III. of Act XIX. of 1836, together with any other provisions of that Act which prescribe or imply that the Capital Stock of the Bank of Bengal shall not exceed Seventy-five Lacs of Rupees, shall from this day be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council, whenever he shall see fit, from time to time by an Order to be notified in the "Calcutta Gazette," to authorize the Capital Stock of the said Bank to be increased, and to make such order and direction for the opening

of subscriptions towards such increase of Capital as to him may seem fit, giving due notice to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than eighteen months to fill up such subscription.

III. And it is hereby enacted, that whenever such increase of Capital Stock of the Bank of Bengal, shall be ordered by the Governor General of India in Council, the Proprietors entitled to share therein shall not be debarred of the right to subscribe for the new stock in the proportion of the shares they may be legally holding by reason of any limit to the quantity of Stock which a single Proprietor may hold, that may be imposed by the Provisions of the Charter of the Bank, or by any Clause or Provision contained in Act No. XIX., 1836.

IV. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council, when he shall direct an increase to be made of the Capital Stock of the Bank of Bengal, to prescribe that the subscriptions shall be made upon each share respectively, in any given proportion to the amount of Stock represented by such share, and after subscription made at any time within the period of notice prescribed in Section II. of this Act, to permit the amount subscribed on account of any share or shares to be paid up, and annexed to the Capital Stock of the Bank in such manner, and at such dates, as may be deemed most convenient and proper, and likewise to prescribe that the amount of new Capital that may not be subscribed for by Proprietors, within the period of eighteen months so specified, shall be sold by auction by an officer of the Bank for the benefit of the said Bank, on some early date, after the close of such period, and that the proceeds of such sale shall be at the disposal of the Proprietors of the Bank by Resolution duly passed at their General Meetings, anything in the existing Charter of the said Bank regarding the method of taking the subscriptions of new Capital to the contrary notwithstanding.

V. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council, at the time of ordering any increase of the Capital Stock of the Bank of Bengal, to reserve the portion of such increase that may belong to Government, by reason of its share of the Capital of the said Bank, and to fix any date within the period of eighteen months above

specified, as that before which it shall be finally declared whether the Government will take the share of new stock to which it is so entitled, or will refuse the same, and in case of refusal by Government to take its share of new stock, such stock shall not be sold on account of the Proprietors at large, as above provided for Stock not subscribed for by other Proprietors, but the amount to which the Government may be so entitled, shall not be raised, and if the Government shall determine to subscribe for the share of new Capital to which it is entitled, it shall be lawful for the Governor General of India in Council, either to retain the same or to order the sale of such new stock, or any portion thereof, on account of Government in such manner and at such times as to him may seem fit.

Repealed by Act No. VI. of 1839.

WILLS ACT.

Act No. XXV. of 1838.

[*Passed on the 8th October*, 1838.

1. Interpretation Clause.

2. Repeals Statutes 32, H. 8, Cap. 1; 34 and 35, H. 8, Cap. 5; 10 Car. 1, Sess. 2, Cap. 2 (1); Sections 5, 6, 12, 19, 20, 21, 22 of the Statute of Frauds, 29, Car. 2, Cap. 3; 7 W. 3, Cap. 12 (1); Section 14, of 4 and 5 Anne, Cap. 16; 6 Anne, Cap. 10 (1); Section 9, of 14 Geo. 2, Cap, 20; 25 Geo. 2, Cap. 6; 25 Geo 2, Cap 11 (1).

3. Act to extend only to wills of persons whose property cannot be administered without Probate or Letters of Administration.

4. All property may be disposed of by Will, both real and personal, legal and equitable, by whatever title acquired, and whether corporeal or incorporeal, and of whatever tenure, and whether, in point of interest, present, contingent, executory or future; and also rights of entry of all kinds.

5. Will of infant invalid.

6. Will of married woman, except under power, invalid.

7. No will to be valid unless in writing signed at the foot or end thereof by testator or by other person in his presence, nor unless such signature be made or acknowledged by the testator in the presence of two or more witnesses present together, nor unless such witnesses subscribe the will in the presence of the testator. No form of attestation necessary.

8. Appointments by will, in exercise of any power, shall be valid if executed in above manner, but not otherwise.

9. Publication of will not necessary.

10. Will not to be invalidated by reason of incompetency of person attesting it, to be a witness to prove the execution.

11. Devise, legacy, &c., to attesting witness of any will, or to wife or husband of attesting witness, to be null and void, and notwithstanding such devise, &c., such attesting witness may prove will.

12. Attesting witness of a will containing a charge in favor of attesting witness as a creditor, may prove execution of the will, notwithstanding such charge.

13. Executor of a will not incompetent to be a witness to prove it.

14. Will of man or woman to be revoked by subsequent marriage, except will of certain property, in exercise of power of appointment.

15. No will to be revoked on the ground of an alteration of circumstances.

16. Will or codicil not to be revoked except as aforesaid, or by another will or codicil, or by burning, tearing, or otherwise destroying the same.

17. Obliteration, interlineation or other alteration made after execution of will to be of no effect, except so far as the words before the alteration are not apparent. Alteration must be signed by testator, and be attested.

18. That no will, &c., after being revoked shall be revived otherwise than by re-execution, or by new codicil. Will first partially and afterwards wholly revoked, and then revived, shall only be revived as to part last revoked, unless a contrary intention appear.

19. Acts not amounting to a revocation, done between the execution of a will and the death of testator, shall not prevent the will from operating as to testator's property at the time of his death.

20. Every will shall be construed to speak and take effect as if executed immediately before the death of the testator, unless a contrary intention appear.

21. If devise is incapable of taking effect by reason of death of devisee in life time of testator, or by reason of its illegality, or otherwise, the property included in such devise shall pass by residuary clause.

22. General devise of real estate, and bequest of personal estate described in a general manner, shall operate as execution of any general power in testator to appoint, unless contrary intention appear.

23. Devise without words of limitation shall pass fee simple or other the whole interest of the testator unless a contrary intention appear.

24. How the words, "die without issue," "die without leaving issue," or other words importing a want or failure of issue shall be construed. Proviso, limiting the above construction.

25. Devise of real estate to trustee or executor shall pass fee or all the interest of the testator, unless a definite term is given expressly or by implication.

26. Trustee to take fee under devise of real estate, where the purposes of the trust may continue beyond the life of the first *cestui que trust.*

27. If person to whom real estate is devised for an estate tail, &c., dies in lifetime of testator, leaving issue who would be inheritable under such entail

and is living at time of testator's death, such devise shall not lapse, but take effect, and how.

28. Child or other issue of testator to whom property is devised, &c., dying in life time of testator and leaving issue, if such issue is living at the death of testator, such devise, &c., shall not lapse, but take effect, and how.

29. Notwithstanding this Act, any Soldier, in actual Military Service, or Mariner or Seaman being at Sea, may dispose of his personal estate as he might before this Act.

30. This Act not to be construed to repeal Act 20, 1837, as to transmission of property.

31. This Act not to extend to wills made before 1st January, 1839, nor to estate *pur autre vie* of person who died before that date. Will re-executed or revised by Codicil shall be deemed as made at the time of re-execution, &c.

1. It is hereby enacted, that the words and expressions hereinafter mentioned shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows (that is to say):—The word "will" shall extend to a testament, and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament or devise of the custody and tuition of any child by virtue of an Act passed in the twelfth year of the reign of King Charles the Soecnd, intituled, "An Act for taking away the Court of Wards and Liveries, and Tenures *in capite* and by Knight's service and purveyance, and for settling a revenue upon His Majesty in lieu thereof," or by virtue of an Act passed in the Parliament of Ireland in the fourteenth and fifteenth years of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and Liveries, and Tenures *in capite* and by Knight's service," and to any other testamentary disposition, and the words "real estate" shall extend to messuages, lands, rents and hereditaments, whether corporeal, incorporeal or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein, and the words "personal estate" shall extend to leasehold estates and other chattels real, and also to moneys, shares of Government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein; and every word importing the singular number only shall extend

and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. And it is hereby enacted, that an Act passed in the thirty-second year of the reign of King Henry the Eighth, intituled "The Act of Wills, Wards, and primer seisins, whereby a man may devise two parts of his land;" and also an Act passed in the thirty-fourth and thirty-fifth years of the reign of the said King Henry the Eighth, intituled "The Bill concerning the explanation of Wills," and also an Act passed in the Parliament of Ireland in the tenth year of the reign of King Charles the First, intituled "An Act how Lands, Tenements, &c., may be disposed by will or otherwise, and concerning wards and primer seisins," and also so much of an Act passed in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for prevention of Frauds and Perjuries;" and of an Act passed in the Parliament of Ireland in the seventh year of the reign of King William the Third, intituled "An Act for prevention of Frauds and Perjuries as relates to devises or bequests of lands or tenements, or to the revocation or alteration of any devise in writing of any lands, tenements or hereditaments, or any clause thereof, or to the devise of any estate *pur autre vie*, or to any such estate being assets or to nuncupative wills, or to the repeal, altering or changing of any will in writing concerning any goods or chattels or personal estate, or any clause, devise, or bequest therein; and also so much of an Act passed in the fourth and fifth years of the reign of Queen Anne, intituled "An Act for the amendment of the Law and the better advancement of Justice;" and of an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, intituled "An Act for the amendment of the Law and the better advancement of Justice" as relates to witnesses to nuncupative wills; and so far as the following Acts may be construed to have any operation within the Territories of the East India Company, so much of an Act passed in the fourteenth year of the reign of King George the Second, intituled "An Act to amend the Law concerning common recoveries," and to explain and amend an Act made in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for prevention of frauds and perjuries," as

relates to estates *pur autre vie;* and also an Act passed in the twenty-fifth year of the reign of King George the Second, intituled "An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of wills and codicils concerning real estates in that part of Great Britain called England, and in His Majesty's colonies and plantations in America," except so far as relates to His Majesty's colonies and plantations in America, and also an Act passed in the Parliament of Ireland in the same twenty-fifth year of the reign of King George the Second, intituled "An Act for the avoiding and putting an end to certain doubts and questions relating to the attestation of wills and codicils concerning real estates;" shall from the passing of this Act cease to have effect in the Territories of the East India Company, except so far as the same Acts or any of them respectively relate to any wills or estates *pur autre vie* to which this Act does not extend.

III. And it is hereby enacted, that this Act shall only extend to the wills of persons whose personal property cannot by the Law of England pass to their representatives without Probate or Letters of Administration obtained in one of Her Majesty's Supreme Courts of Judicature, and that the Statutes and parts of Statutes aforesaid are only repealed as far as they relate to the succession to the property of such persons.

IV. And it is hereby enacted, that it shall be lawful for every person to devise, bequeath or dispose of by his will, executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either at Law or in Equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon the heir-at-law of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator, and that the power hereby given shall extend to all estates *pur autre vie,* whether there shall or shall not be any special occupant thereof and whether the same shall be a corporeal or an incorporeal hereditament, and whether the same shall be freehold or of any other tenure, and also to all contingent, executory or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested, and whether he may

be entitled thereto under the instrument by which the same respectively were created; or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken, and other rights of entry, and also to such of the same estates, interests and rights respectively, and other real and personal estates as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

V. And it is hereby enacted, that no will made by any person under the age of twenty-one years shall be valid.

VI. Provided also, and it is hereby enacted, that no will made by any married woman shall be valid, except such a will as might have been made by a married woman before the passing of this Act.

VII. And it is hereby enacted, that no will shall be valid unless it shall be in writing and executed in manner hereinafter mentioned (that is to say), it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator as the signature to his will or codicil in the presence of two or more witnesses present at the same time, and such witnesses shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary. (*a*.)

VIII. And it is hereby enacted, that no appointment made by will in exercise of any power, shall be valid, unless the same be executed in manner hereinbefore required; and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding that it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

IX. And it is hereby enacted, that every will executed in

(*a*) The following is the usual form of attestation:—"Signed by the above-named A. B. [the testator] in the presence of us present at the same time, who have hereunto signed our names as witnesses thereto, in the presence of the said A. B. [testator] and in the presence of each other."

Names of witnesses { C. D.
E. F.

manner hereinbefore required shall be valid without any other publication thereof.

X. And it is hereby enacted, that if any person who shall attest the execution of a will, shall at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

XI. And it is hereby enacted, that if any person shall attest the execution of any will, to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift or appointment shall, so far only as concerns such persons attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift or appointment mentioned in such will.

XII. And it is hereby enacted, that in case by any will any real or personal estate shall be charged with any debt or debts, and any credit, or the wife or husband of any creditor, whose debt is so charged shall attest the execution of such will, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

XIII. And it is hereby enacted, that no person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

XIV. And it is hereby enacted, that every will made by a man or woman shall be revoked by his or her marriage (except a will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, executor or administrator, or the person entitled as his or her next of kin, under the Statute of Distributions).

XV. And it is hereby enacted, that no will shall be revoked

by any presumption of an intention on the ground of an alteration in circumstances.

XVI. And it is hereby enacted, that no will or codicil, or any part thereof shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator or by some person in his presence and by his direction with the intention of revoking the same.

XVII. And it is hereby enacted, that no obliteration, interlineation or other alteration made in any will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or some other part of the will opposite or near to such alteration, or at the foot or end of or opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or on some other part of the will.

XVIII. And it is hereby enacted, that no will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in a manner hereinbefore required, and shewing an intention to revive the same, and when any will or codicil which shall be partly revoked and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary be shown.

XIX. And it is hereby enacted, that no conveyance or other act made or done subsequently to the execution of a will of or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by will at the time of his death.

XX. And it is hereby enacted, that every will shall be construed with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator unless a contrary intention shall appear by the will.

XXI. And it is hereby enacted, that unless a contrary intention shall appear by the will, such real estate and interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

XXII. And it is hereby enacted, that a general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper and shall operate as an execution of such power, unless a contrary intention shall appear by the will, and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

XXIII. And it is hereby enacted, that where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

XXIV. And it is hereby enacted, that in any devise or bequest of real or personal estate the words "die without issue" or "die without leaving issue," or any other words which may import either a want or failure of issue of any person in his lifetime or

at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail, or of a preceding gift being, without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise; provided that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

XXV. And it is hereby enacted, that where any real estate shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years, absolute or determinable or an estate of freehold, shall thereby be given to him expressly or by implication.

XXVI. And it is hereby enacted, that where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rent and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by will in such real estate and not an estate determinable when the purposes of the trust shall be satisfied.

XXVII. And it is hereby enacted, that where any person to whom any real estate shall be devised for an estate tail, or an estate in quasi entail, shall die in the life time of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXVIII. And it is hereby enacted, that where any person being a child or other issue of the testator, to whom any real or

personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the life time of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXIX. And it is hereby enacted, that notwithstandiug anything in this Act contained, any Soldier being in actual Military Service, or any Mariner or Seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

XXX. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions of Act No. XX. of 1837, whereby immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca transmitted by the last will of any person having a beneficial interest in the same is taken to be and to have been of the nature of chattels real and not of freehold as regards such transmission, provided that such will shall be executed and construed as a will of chattels real is to be executed and construed by virtue of this Act.

XXXI. And it is hereby enacted, that this Act shall not extend to any will made before the First day of February, in the year of our Lord 1839, and that every will re-executed or republished or revived by any codicil shall, for the purposes of this Act, be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived; and that this Act shall not extend to any estate *pur autre vie* of any person who shall die before the First day of February in the year of our Lord 1839.

Act X., 1865, The Indian Succession Act contains the most recent and present Law respecting Wills made after it came into operation.

MADRAS.—JUDICIARY.—SIRSEE.

Act No. XXVI. of 1838.

[*Passed on the 8th October*, 1838.

1. Governor General in Council may direct all persons committed by Principal Sudder Ameen of Sirsee for trial before Court of Circuit for the Western Division, to be tried at the Sessions of Gaol Delivery held at Honore.

2. The Governor in Council may direct persons committed by Principal Sudder Ameen for trial before Court of Circuit, to be tried at Sessions of Gaol Delivery.

Repealed by Act XVII., 1862.

BENGAL.—JUDICIARY.

ACT No. XXVII. OF 1838.

[*Passed on the 22nd October*, 1838.

1. Repeals so much of Clause 1, Section 18, Regulation 5, of 1831, as provides that no suit be referred to a Principal Sudder Ameen in which the Vakeels or Officers of his Court shall be a party.

2. Suits in which the relatives or dependents of a Sudder Ameen are a party, and which the Zillah and City Judges cannot refer, may be transferred to another Zillah or City Court and by such Court be referred in the same manner as if it had been originally instituted in the Court of such Zillah or City.

I. It is hereby enacted, that so much of Clause 1, Section XVIII., Regulation V., of 1831, of the Bengal Code, as provides that no suit be referred to a Principal Sudder Ameen in which the Vakeels or Officers of his Court shall be a party, is hereby repealed.

II. And it is hereby enacted, that in cases where, by reason of the above Clause, a suit cannot be referred to a Sudder Ameen, because he himself or his relatives or dependents are a party to the suit, and where the Zillah and City Judges cannot refer such suit to be tried by any other competent authority, it shall be lawful for each of the Courts of Sudder Dewanny Adawlut within the Territories subject to the Presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of their Registrar, that the cognizance of such suit shall be transferred to any other Zillah or City Court subordinate to the same Court of Sudder Dewanny Adawlut—and the Judge of such other Zillah or City Court may thereupon refer such suit in the same manner as if the same had been originally instituted in the Court of such other Zillah or City.

Repealed by Act X., 1861, wherever Code of Civil Procedure is in operation.

SUPREME COURT.—PERJURY.

ACT No. XXVIII. OF 1838.

[*Passed on the 5th November*, 1838.

Any person convicted at Sessions of Oyer and Terminer or Gaol Delivery, for Fort William, &c., of Perjury, may be adjudged to be transported to such place as the Court shall direct, for life, or any term of years, or imprisoned not exceeding 4 years with or without hard labour, &c.

It is hereby enacted, that where any person or persons shall be convicted at any Sessions of Oyer and Terminer or Gaol Delivery, that shall be holden for any of the Presidencies of Fort William, Fort St. George, the Presidency or Island of Bombay, or for Prince of Wales' Island, Singapore, or Malacca, of the crime of Perjury, it shall be lawful for the Court, before which any person shall be so convicted, to order and adjudge such person to be transported to such place as the Court shall direct for life or for any term of years, or to be imprisoned for any term not exceeding four years, with or without hard labour and with solitary confinement for such portion or portions of the said term as such Court shall think fit, not exceeding one month at a time or three months within the period of one year. Provided, that it shall not be lawful for any such Court to order the transportation of any person, being a native of the East Indies and not born of European parents, to the Eastern Coast of New South Wales or any of the Islands adjacent thereto.

BENGAL.—CONTRABAND SALT.

ACT No. XXIX. OF 1838.

[*Passed on the 12th November*, 1838.

1 Repeals Sections 59, 60, 61, Regulation 10, 1859.

2. Salt Agent having credible information that contraband Salt is stored in any warehouse, &c., without the necessary Ruwana, shall require such information to be in writing, or take deposition of informant, &c. What particulars to be recorded in information.

3. Salt charged as contraband in store exceeding one maund or mun, shall be liable to seizure. In what manner seizure to be made.

4. Salt Agents, &c., accompanied by a Police Officer, may break open door of house if not opened upon requisition.

5. Salt Agent, if unable to proceed in person to seize, shall send with informer a confidential Officer, &c., not under rank of Jemadar, &c., with search-warrant. Door of house, &c., not to be broken open except in presence of Salt Agent, &c.

6. Head Officer of Salt Chokie, &c., may receive information of Salt exceeding one maund being in store in same manner as Salt Agent, provided place of store be more than three kos from station of Agent.

7. Darogah not attending according to notice at a seizure of Salt, or refusing to act, or frustrating search, shall be fined to same amount as the owners of Salt would if Salt had been seized.

8. When necessary to break open house, &c., the rules prescribed in Regulation 20, 1817, and Section 10, Regulation 7, 1799, shall be observed.

9, 10. Circumstances of seizure to be recorded by Salt Agent, &c., and to be reported to superior Officer, when made by other than Agent, &c.

11. Salt not be seized unless more found than a maund or mun, and the owner, &c., is unable on account satisfactorily for his possession of it.

12. When Salt is seized as contraband, &c., the persons in charge of it may also be seized.

13. Salt Agents, &c., having power to seize Salt may also stop and search boats, &c., of a build adapted for sea navigation, within certain limits; Salt found thereon, vessel and crew may be detained and taken to nearest Officer competent to adjudicate.

14. Modifies Section 36, Regulation 10, 1819. Gangs or companies of persons carrying unprotected Salt more than 5 seers for each person, shall be subject to penalties under above Regulation.

15. Modifies Section 121, Regulation 10, 1819. Persons fined for smuggling shall be imprisoned for six months, if fine not paid.

16. Modifies Section 121, Regulation 10, 1819. Persons sentenced under Sections 31, 68, 70, of Regulation 10, 1819, shall in like manner be liable to be imprisoned.

17. Persons convicted of gang smuggling, &c., after previous conviction, &c., shall be punished by fine and imprisonment: for every conviction after second, punishment to be increased.

18. Salt Agent may distrain for balance due within the year, upon contract for the manufacture of Salt, and may exercise the same powers as are given to Zemindars and Sudder Farmers.

19. Any person preventing lawful arrest, or procuring release of offender; and any person found with Salt, resisting Officer, shall be punished according to Section 56, Regulation 10, 1819.

20. Officer making arrest, and neglecting to carry prisoner to proper Officer, or delaying to report the arrest, or releasing prisoner, or conniving at escape, shall, besides dismissal, be fined not exceeding 200 Rupees, and imprisoned not exceeding three months, and a further period of three months, if fine not paid.

21. Officer making arrest bound to carry party arrested to the Officer competent to try the case. No person arrested shall be released until case has been brought to judgment.

22. Officer of Salt Department convicted of vexatiously and unnecessarily seizing goods or arresting any person, or stopping, &c., boat longer than necessary, shall, besides dismissal, be imprisoned 6 months, and fined not exceeding 200 Rupees commutable to further imprisonment.

23. Modifies Section 122, Regulation 10, 1819. Person wilfully, &c, giving false information of illicit salt in store, and thereby causing search, shall be imprisoned for two years, and fined not exceeding 500 Rupees, and in case of non-payment, to further term of six months

24. Parties convicted of illegal possession, &c, of Salt, shall be liable to penalty of 5 Rupees per maund under Section 36, Regulation 10, 1819. Each smuggler liable to whole fine.

25. The Governor of Bengal to vest with power of adjudication, assistants &c., subject to same rules as apply to Salt Agents.

26. Cases under this Act shall be tried in manner prescribed in Regulation 10, 1819. Officer adjudicating to be guided by Sections 100 to 116, same Regulation. Judge and Zillah Judge to proceed in cases under this Act, as in other cases.

27. Modifies Clauses 32, 33, Regulation 10, 1819. Proprietors and farmers upon whose Land there are Salt works, not worked under contract with Salt Agent, must give notice of the same to Officer of Police, or &c., within ten days like notice to be given by person employed in collecing Land Revenue of Mehal, on part of Government, or of Court of wards, or &c. Omission to give notice subjects to fine of 500 Rupees for every Khalaree of Salt work or lands. Fine recoverable by distress.

28. Modifies Section 64, Regulation 10, 1819, by additional provision, that Officers unable to account for deficiencies of out-turn of Salt shall be liable for such deficiencies as if they arose by embezzlement, and shall be punished by fine and imprisonment.

29. Mode of proceeding to compel attendance of persons. Warrant may be issued in manner provided by Regulation 10, 1819.

30. In *ex parte* cases referred to City or Zillah Judge, Judge shall carry on preceedings under Sections 111, 113, Regulation 10, 1819.

31. Modifies Section 111, 112, Regulation 10, 1819. Cases in which adjudication of Salt Agents, &c., shall be final, extended from 20 maunds to 80 maunds. Right reserved of petitioning Board of Customs Salt and Opium.

32. Modifies Section 114, Regulation 10, 1819. In confiscations exceeding 80 maunds, or fine of 400 Rupees, the judgment of Zillah and City Judges shall be final.

33. Tract of country and limits within which this Act shall take effect.

I. It is hereby enacted, that from the First day of December, 1838, Sections LIX., LX., and LXI., Regulation X., 1819, of the Bengal Code, shall be repealed.

II. And it is hereby enacted, that when information shall be given to any Salt Agent or Superintendent of Salt Chokies, that contraband Salt is stored in any warehouse, dwelling house, or other place situated in the tract of country in Bengal or Orissa, within which the transportation of Salt without Ruwana, is not lawful, and such Salt Agent or Superintendent of Salt Chokies shall deem the information credible, and desire to act thereupon, he shall require the same to be given to him in writing, or shall take the deposition of the informant, as may be most convenient, so that the following particulars shall be placed on record in his office—First, the name, profession, and place of residence of the informant. Second, the place, that is, the name of the town or village, and description of the house, warehouse, or other place where the Salt may be stated to be in store. Thirdly, the name of the person to whom the house, warehouse, or other place belongs, or on account of or by whom the Salt is there stored. Fourthly, the quantity and description of the Salt, and the grounds for believing the same to be contraband.

III. And it is hereby enacted, that if the contraband Salt so stated to be in store exceed in quantity one maund or Indian mun, it shall be liable to seizure in manner following (that is to say), the Salt Agent or Superintendent of Chokies, having before him the written statement or deposition of an informer, given in or taken down as above prescribed, shall, provided the place of such store be not too distant, proceed in person, together with the informant, summoning by written notice the nearest Police Darogah or other Officer in charge of the Police Thana or Station to attend likewise, and witness the proceeding.

IV. And it is hereby enacted, that for the purpose of making seizure of Salt in store so informed against, it shall be competent to any Salt Agent or Superintendent, having a Police Officer in company, to break open the door of the house, warehouse, or other place in which the Salt may be stated to be stored, if, upon requisition duly made, the door be not immediately opened by the owner or occupant thereof.

V. And it is hereby enacted, that if the Salt Agent or Superintendent shall not be able to proceed in person to make a seizure of Salt, in manner above provided, he shall send along with the informer one or more confidential Officers of his public

establishment, not being under the rank of a Jemadar of Peons, giving to such Officer or Officers his warrant ordering and authorizing the seizure, and sending notice as above prescribed for the Police Darogah or other Police Officer to attend, and the Officer so deputed shall have power to act in like manner as is provided for the Agent or Superintendent in person; provided that the door of no house, warehouse, or other place, shall be broken open to make a seizure of Salt except in the presence of a Salt Agent or Superintendent of Chokies, or of an Officer so specially deputed, and of an Officer of Police.

VI. And it is hereby enacted, that it shall be competent to the Head Officer of any Salt Chokie or Aurung for the manufacture of Salt, and for any Assistant to a Salt Agent or Superintendent, to receive information of Salt exceeding one maund in quantity being in store in a house, warehouse, or other place, in the manner prescribed in Section II., and to act thereupon as provided in Sections III. and IV. of this Act for the Salt Agent and Superintendent, provided that the place of store described in such information be situated at a distance of more than three kos from the station of a Salt Agent or Superintendent of Chokies, or from the place where the Salt Agent or Superintendent may be.

VII. And it is hereby enacted, that if the Darogah or person in charge of any Police Thana or station, receiving notice to attend at a seizure of Salt in store, as is above prescribed, shall not attend, or attending shall refuse to act in aid of the seizure, or shall in any way wilfully frustrate the object of the search and seizure, such Darogah or other Officer shall, on representation of the fact by the Officers of the Salt Department, and on conviction of the same before the Magistrate of the District, besides being dismissed from office, be liable to a fine equal to the amount of fine that would have been leviable on the owners of the Salt, if it had been seized according to the information laid.

VIII. And it is hereby enacted, that whenever it shall be necessary to break open any house, warehouse, or other place, to effect a seizure of Salt, the rules and precautions prescribed in Regulation XX., of 1817, and Section X., Regulation VII., of 1799, of the Bengal Code, for breaking into a house for execution of process of distraint, shall always be observed by the Police Officers in attendance; provided however, that the responsibility

for the act, and the determination whether to require the door to be broken open or not shall rest with the Officers of the Salt Department only.

IX. And it is hereby enacted, that whenever a seizure of Salt in store in any house, warehouse, or other place, shall be made by a Salt Agent or Superintendent of Chokies, the circumstances which attended the seizure shall be recorded in an official proceeding to be placed on record in the office.

X. And it is hereby enacted, that if the seizure be made by an Officer of the Salt Department, other than an Agent or Superintendent of Chokies, such Officer shall report the circumstances within twenty-four hours to his Official Superior; and the Police Officer in attendance shall likewise report the occurrences at the time of seizure to his Official Superior.

XI. And it is hereby enacted, that no Salt found in store in any house or warehouse shall be deemed to be contraband, or shall be liable to seizure, unless, when the search is made, there shall be found more thereof than one maund or Indian mun, and the owner or person in charge shall be unable to account satisfactorily for the manner of its being in his possession.

XII. And it is hereby enacted, that whenever Salt shall be seized as contraband, because unaccompanied by any Ruwana or other protecting document, the person or persons conveying or having in charge the same shall be apprehended; and all Officers who are empowered to seize Salt under the provisions of Regulation X., 1819, of the Bengal Code, shall likewise be competent to arrest the parties found with or having the Salt in possession.

XIII. And it is hereby enacted, that it shall be lawful for the Salt Agents and Superintendents of Chokies and other Officers who may be duly empowered to seize Salt, to stop and search any boats or vessels of a build adapted for sea navigation, that may be found within the limits described in Section XXXIII. of this Act; and if Salt shall be found thereon, not accompanied by the necessary Ruwana or other protecting document, to detain the vessel with the crew thereof, and to take them for adjudication of the case to the nearest accessible station of an Officer empowered to adjudicate cases of contravention of the Salt Law.

XIV. And it is hereby enacted, in modification of Section

XXXVI., Regulation X., of 1819, of the Bengal Code, that if any person shall be found in the act of conveying Salt without Ruwana, or other protecting document, exceeding in quantity five seers of 80 tolas to the sĕer, within the tract of country in Bengal or Orissa wherein the transportation of Salt is prohibited unless so protected, or if several persons be found carrying Salt so unprotected, in gangs or companies, which Salt shall exceed in the whole quantity five seers for each person in such gang or company, every such person shall be subject to the penalties prescribed by Regulation X. of 1819 aforesaid, and by this Act, for the illegal possession and transportation of Salt. [Modified by Act III., 1851, s. 2.]

XV. And it is hereby enacted, in modification of Section CXXI. of Regulation X., 1819, aforesaid, that any person or persons, who may be convicted of smuggling Salt without Ruwana, singly or in gang, and sentenced to pay a fine to Government on account of Salt so smuggled or attempted to be smuggled, shall, if the fine be not paid, be liable to imprisonment in the Criminal or Foujdaree Gaol, for a period not exceeding six months in commutation of such fine.

XVI. And it is hereby enacted, in further modification of Section CXXI. of Regulation X., 1819, aforesaid, that any person who may be sentenced under Sections XXXI., LXVIII., and LXX. of the said Regulation, to imprisonment in addition to fine, for the offences described in those Sections respectively, shall in like manner be liable, as above provided for persons convicted of gang smuggling, to undergo such punishment in the Foujdaree Gaol: and cases of the kind described in the said Sections shall be adjudicated, in like manner as cases in which fine only is adjudged: and the warrant of the Officer adjudicating any case under this or the preceding Section of this Act, shall be authority for the Magistrate, or other person in charge of the Foujdaree Gaol, to hold the person described therein in confinement in such Gaol, as may be specified and required in the said warrant.

XVII. And it is hereby enacted, that when any person shall be convicted of gang smuggling, or of any of the offences described in Sections XXXI. and LXX. of Regulation X. of 1819, aforesaid, after having been previously convicted of a like offence, he

shall be sentenced, in addition to the penalty attaching to such offence, to imprisonment in the Foujdaree Gaol for a period of six months, and a like punishment of six months imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XVIII. And it is hereby enacted, that it shall be lawful for any Salt Agent to proceed for the recovery of any balance that may be due to Government within the year, upon any contract made for the manufacture of Salt in the limits of his Agency, by the process of distraint; and for the demand and levy of the same, to exercise the powers vested by the Regulations and Acts of the Government in Zemindars and Sudder Farmers, being subject to like restrictions, and with the like remedies to any parties aggrieved thereby.

XIX. And it is hereby enacted, that if any person shall by threats or by violence prevent the lawful arrest of any person by an Officer duly authorized to seize Salt, or shall procure his release after arrest, or if the party found with the Salt in possession, or any other persons resist any such Officers, they shall severally and respectively be liable to the punishment prescribed in Section LVI. of Regulation X., 1819, of the Bengal Code.

XX. And it is hereby enacted, that if any Officer making an arrest upon account of Salt smuggling shall neglect to carry the person arrested to the proper Officer of the Salt Department, or shall delay to report the arrest to his superior, or shall release or connive at the escape of the person arrested, every such Officer shall, on conviction of any one of the above offences, besides dismissal from office, be liable to be sentenced for the same to a fine not exceeding 200 Rupees, and to imprisonment not exceeding three months; and the sentence may be adjudged by any Officer competent to adjudicate a forfeiture of contraband Salt, and in case of non-payment of the fine, to a further imprisonment not exceeding three months, at the discretion of the Officer deciding the case.

XXI. And it is hereby enacted, that whenever any person may be arrested by an Officer of the Salt Department, or by any other Officer of other Departments duly empowered to make a seizure of Salt, the person making the arrest shall be bound to

carry the party arrested direct to the Officer of the Salt Department who may be competent to try the case; and no person so arrested shall be released, until the case shall have been brought to judgment in the manner provided by Law.

XXII. And it is hereby enacted, that if any Officer of the Salt Department be convicted before the Magistrate of any District, of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for Salt, or of having vexatiously or unnecessarily arrested any person, or of having stopped and detained any boat unnecessarily and without authority, or of having detained any boat longer than is necessary for the purpose of search, every such Officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 Rupees, commutable, if not paid, to a further imprisonment not exceeding six months.

XXIII. And it is hereby enacted, in modification of Section CXXII., Regulation X., of 1819, aforesaid, that if any person shall wilfully and maliciously give false information in respect to there being illicit Salt in store in any house or warehouse, and so procure that such house or warehouse shall be searched to the injury or vexation of the owners thereof, or of any other person or persons whatever, such false informer shall, on conviction of the offence before any Magistrate, be liable to imprisonment for two years, and to fine not exceeding 500 Rupees, at the discretion of any Magistrate by whom the case may be tried, and in the case of the non-payment of the fine, to imprisonment for a further period of six months.

XXIV. And it is hereby enacted, that when parties shall be convicted of the illegal possession or transportation of Salt, and shall be liable to the penalty of five rupees per maund as prescribed in Section XXXVI., Regulation X., of 1819, of the Bengal Code, the fine shall be at the said rate according to the quantity of Salt seized, whether less or more than one maund, and each one of the smugglers in company, or parties to the fraud on the Revenue, shall be liable to the whole fine.

XXV. And it is hereby enacted, that it shall be competent to the Governor or Deputy Governor of Bengal to vest with the power of adjudicating cases of contravention of the Laws for protection of the Revenue derived from Salt, any Assistant to a

Salt Agent, or Uncovenanted Superintendent of Salt Chokies, who may seem to him qualified; and such Officers, when invested with such powers, shall exercise them subject to the same rules and restrictions as Covenanted Salt Agents and Superintendents of Chokies; provided that no Officer adjudicating cases of contravention of the Salt Revenue Laws shall receive any part of the rewards that may be decreed or otherwise benefit directly by the adjudication of such cases.

XXVI. And it is hereby enacted, that cases arising out of this Act shall be tried in the same manner as is prescribed in Regulation X. of 1819 of the Bengal Code for other cases of contravention of the laws for the protection of the Revenue derived from Salt; and the Officer adjudicating the case shall be guided by the provisions of Sections C. to CXVI. of that Regulation; and the Judge of the City or Zillah shall be bound to proceed in respect to persons sentenced to any fine or other penalty under the provisions of this Act, in the same manner, subject to the modifications and additions hereinafter provided, as is prescribed in respect to persons convicted of the offences and tried before the authorities specified and provided by the said Regulation.

XXVII. And it is hereby enacted, in modification of Clauses XXXII. and XXXIII. of Regulation X., 1819, of the Bengal Code, that it shall be the duty of every party under direct engagements with Government for the Land Revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands upon whose zemindaree farm or lakhiraj estate there shall be any works producing Salt, otherwise than under contract with a Salt Agent or on account of Government, to give notice of the same in writing to the nearest public Officer of Police or Land Revenue or of the Salt Department, within ten days from the date on which the works were first prepared; and in like manner it shall be the duty of every person employed in the collection of the Land Revenue of any Mehal on the part of Government, or of the Court of Wards, or of joint proprietors, to give like notice in respect to Salt manufactured on the lands under their management; and every such proprietor, farmer, proprietor of lakhiraj estate or manager, who shall knowingly omit to give such notice, shall be liable on conviction before the Judge of any

Zillah or City to a fine of 500 Rupees, for every Khalaree or Salt Work established on his lands; and such knowledge shall not be required to be established by direct proof, but may be inferred from circumstances at the discretion of the Judge deciding the case; and any fine that may be adjudged under this Section shall be recoverable by distress and sale of the goods and chattels of the offender, or by process of execution taken out by any Salt Agent, or Superintendent of Chokies in the manner provided for decrees of the Civil Court.

XXVIII. And it is hereby enacted, in modification of Section LXIV., Regulation X. of 1819, aforesaid, and in addition thereto, that when there may be no direct proof of the unauthorized removal of Salt from any golah, or place of Government store, sufficient to convict the parties concerned therein of theft within the provisions of the said Section, the Officer or Officers who may have been entrusted with the charge of such golah or place of Government store, shall nevertheless be liable for the offence of embezzling the Salt of any store in their custody the out-turn of which shall, according to the accounts kept of receipts and deliveries, exhibit a deficiency for which he or they may not duly account. And the Officer in charge of any golah or Salt store shall in like manner be deemed guilty of embezzlement if he has made away with, or shall not produce the true account of such store; and any person against whom the offence of embezzlement shall be established under this Section, shall be liable, on conviction before the Magistrate of the City or District, to be punished by fine and imprisonment under the general powers vested in the Zillah and City Magistrates.

XXIX. And it is hereby enacted, in addition to the Rules contained in Sections CXI., CXII., and CXIII. of Regulation X., 1819, of the Bengal Code, for the adjudication of cases of contravention of the Laws enacted for the protection of the Revenue derived from Salt, that if the attendance of the parties charged with such offences cannot be obtained by reason of their failure to attend in person or by Vakeel, after being served with a summons, or by reason of their evading process, the Officer adjudicating any such case shall issue notice for the attendance of the parties accused in the manner prescribed in Section CII. of the said Regulation; and if the parties do not attend in person or by Vakeel within the time fixed

by such notice, the Officer adjudicating the case shall pass judgment thereon, under the said last-mentioned Section, in like manner as if the parties accused were present; and the Officer so adjudicating any case *ex parte*, may, at any time after such judgment, issue his warrant for the apprehension of the persons convicted for execution of the sentence, in the manner provided in Regulation X. of 1819 of the Bengal Code, and in this Act, for cases in which the parties were present; and further may at any time sue out process for levying the amount of fine adjudged, from any Civil Court competent to execute its own decrees in the manner and form prescribed for the execution of the decrees of such Civil Court under Section XXX. of this Act.

XXX. And it is hereby enacted, that when the Officer holding proceeding in any case *ex parte*, as above provided, shall refer the case to the judge of any City or Zillah in consequence of the amount of fine being such as the said Officer is not competent finally to adjudge, the Judge of the City or Zillah to whom such case may be referred shall issue such orders and institute such proceedings as are authorized by Sections CXI. to CXIII. of Regulation X. of 1819 of the Bengal Code, in like manner as if the offenders were sent over with the case or were present to be heard in their defence; and whenever any fine may be adjudged by the Zillah or City Judge, the same may be levied on the application of the Salt Agent or Superintendent of Salt Chokies under the rules in force for the execution of the decrees of Civil Courts.

XXXI. And it is hereby enacted, in modification of the Rules contained in Sections CXI. and CXII. of Regulation X. of 1819 of the Bengal Code, whereby the power of final adjudication by Salt Agents or Superintendents of Chokies, in cases of the contravention of the laws enacted for the protection of the Salt Revenue, is restricted to cases in which the quantity of Salt proposed to be confiscated shall not exceed twenty maunds or the fine adjudicated shall not exceed 50 Rupees, that the judgment of any Salt Agent or Superintendent of Chokies, or of any other Officer vested by Government with like jurisdiction in such cases, shall be final in all cases wherein the Salt adjudged to be confiscated shall not exceed eighty maunds, and the fine imposed upon the defendant, or any one of several defendants, shall not exceed 400 Rupees. Provided however that every such judgment may, under Section

CXVII. of the said Regulation, be brought by petition before the Board of Customs, Salt and Opium, and be reversed or amended by that authority.

XXXII. And it is hereby enacted, in modification of Section CXIV., Regulation X., 1819, of the Bengal Code, that the Zillah and City Judges shall pass final judgment in all cases referred to them for adjudication when the quantity of Salt to be confiscated shall exceed eighty maunds, or the fine imposed shall exceed 400 Rupees; provided however that there shall in all such cases be an appeal open to the Sudder Dewanny Adawlut, under the Rules for the admission of special appeals in that Court, upon any point of law which may be ruled by a Zillah or City Judge in any such judgment.

XXXIII. And it is hereby enacted, that the penalties of this Act shall take effect only within the tract of country guarded by Salt Chokies in the manner prescribed in Section XXXVI. of Regulation X., 1819, of the Bengal Code, and within which the transportation of Salt, not belonging to Government, without a Ruwana or special pass from the Board of Customs, Salt and Opium, is not lawful; and it is hereby declared that such tract shall not extend within the Delta of the Ganges and Megna Rivers, beyond the line of the reach of the tides in the Rivers communicating with the Bay of Bengal as taken at spring tides in the dry season; nor, eastward of the Megna, north of the River Goomtee; nor, westward of the River Hooghly, beyond a line drawn from a point on that River, distant one mile from the northern end of the town of Nyasurai, and to the north thereof, to a like point distant one mile to the north of the town of Guttaul, and thence to a like point distant one mile to the north of the town of Midnapore, and thence to a like point distant one mile to the north of Huldipookur in Singbhoom, so as to include each of those towns respectively.

Act III., 1851, is an Act to amend Reg. 10, 1819, and Act 29, 1838, for preventing the unlawful manufacture and transportation of Salt.

BENGAL.—REGISTRATION OF DEEDS.

Act No. XXX. of 1838.

[*Passed on the 19th November*, 1838.

1. Section 2, 14, Regulation 16, 1793; Regulation 17, 1803; Section 17, Regulation 8, 1805; Section 32, Regulation 12, 1805; Section 4, and Clauses

2, 3, Section 6, Regulation 20, 1812, and Section 2, Regulation 4, 1824, modified.

2. Offices for the Registry of Deeds may be established at any Civil Station.

3. Same fees payable at offices established under this Act, as at old Offices.

4. Section 15, Regulation 36, 1793; and Clauses 2, 3, Section 6, Regulation 20, 1812, shall not apply to offices and persons appointed under this Act.

5. Fees for registering deeds in European language to be paid at the established rates of section-writing in addition to fees under Section 14, Regulation 36, 1793.

6. Zillah Judge, &c., may appoint temporary Registrars in case of death or absence of Registrar.

I. It is hereby enacted, that Sections II. and XIV., Regulation XXXVI., 1793, the provisions of which were extended by Regulation XXVIII. of 1795, Regulation XVII. of 1803, Section XVII., Regulation VIII. of 1805, and Section XXXII., Regulation XII. of 1805, Section IV., and Clauses 2 and 3, Section VI., Regulation XX., 1812, and Section II., Regulation IV. of 1824, of the Bengal Code, be modified.

II. And it is hereby enacted, that in addition to the Offices to which those Sections relate, Offices for the Registry of Deeds may be established at any Civil Stations, and may be placed by the Orders of Government under the superintendence of any Officers resident at such Stations whom Government may nominate for that purpose.

III. And it is hereby enacted, that the Registration of Deeds at any Office of Registry authorized by this Act shall be subject to the payment of the same fees as are prescribed in Section XIV., Regulation XXVI., 1793, for Deeds registered at an Office established at the Station of a Zillah or City Court.

IV. And it is hereby enacted, that Section XV., Regulation XXXVI., 1793, and Clauses 2 and 3, Section VI., Regulation XX., 1812 of the Bengal Code, shall not be held applicable to officers and persons established and appointed for the registry of Deeds under this Act.

V. And it is hereby enacted, that persons desirous of registering Deeds written in any European language at any Office of Registry in the Territories subject to the Presidency of Bengal, shall be required to pay for transcribing the same according to the established rates of Section Writing, in addition to the fees prescribed by Section XIV., Regulation XXXVI., 1793.

VI. And it is hereby enacted, that in case of the death or

absence on leave of any person appointed by Government to register Deeds under this Act, it shall be lawful for the Zillah Judge or other Officer specially authorised by Government, to appoint any person whom he may think proper to take temporary charge of the Office and to register Deeds in the same manner as if such person had been appointed to the Office by the Orders of Government.

Repealed by Act XVI., 1864, but this Act is retained for reference.

SUPREME COURTS.—CRIMINAL LAW.

Act No. XXXI. of 1838.

[*Passed on the 3rd December*, 1838.

1. Repeals Sections 59, 60, 61, 80, 81, 82, 84, 85, 90 (part of it), 114, 117, 119, 123, of Stat. 9, Geo. 4, c. 74

2. Act to extend to all persons and places within the jurisdiction of Her Majesty's Courts.

3. Relates to offences, by poison, or other destructive thing; by stabbing, cutting, wounding, causing bodily injury dangerous to life, with intent to commit murder. Punishment,—Death.

4. Offences.—Attempting to administer poison or other destructive thing; shooting at any person; drawing a trigger, or otherwise attempting to discharge loaded arms at any person; attempting to drown, suffocate or strangle any person, with intent to commit murder. Punishment,—Transportation for life or years, or imprisonment for not exceeding 4 years.

5. Offences.—Unlawfully and maliciously shooting at any person; drawing a trigger or otherwise attempting to discharge loaded arms at any person; stabbing, cutting, wounding any person, with intent to maim, disfigure or disable; or do other grievous bodily harm, or to resist lawful apprehension or detainer of person. Punishment,—Transportation for life or years, or imprisonment not exceeding 4 years.

6. Offences.—Unlawfully and maliciously sending or delivering, &c., to any person any explosive substance or other dangerous thing, &c., casting, &c, upon any person any corrosive fluid, &c., with intent to burn, maim, disfigure, disable or do grievous bodily harm, and whereby anybody shall be burnt, &c. Punishment,—Transportation for life or years, or imprisonment not exceeding 4 years.

7. Offences.—Administering, &c., to any person, &c., any poison or other noxious thing, or unlawfully using any instrument or other means with intent to procure her miscarriage. Punishment,—Transportation for life or years, or imprisonment not exceeding 4 years.

8. Trial.—On any trial for the above offences, or for any felony which

shall include an assault, the jury may acquit of the felony, and find guilty of the assault, in which case the Court may imprison not exceeding 4 years

9. OFFENCES.—Burglariously breaking and entering any dwelling house and assaulting with intent to murder, or stabbing, cutting, wounding, beating, or striking any person therein. PUNISHMENT,—Death.

10. Any person convicted of burglary may be transported for life or years, or imprisoned not exceeding 4 years

11. The night, in relation to burglary, shall be considered to commence at 9 and conclude at 6.

12. OFFENCES.—Stealing in dwelling house, and by menaces, &c., putting any one therein in bodily fear; stealing in a dwelling house to the value of Company's Rupees 50 or more. PUNISHMENT,—Transportation for life or years, or imprisonment not exceeding 4 years.

13. OFFENCES.—Robbing any person, and at the time, or immediately before or after, stabbing, cutting, or wounding any person. PUNISHMENT,—Death.

14. OFFENCES.—Armed with any offensive weapon, &c., robbing or assaulting with intent to rob any person; being with one or more, and robbing or assaulting with intent to rob, and beating, striking, or using any personal violence to any person. PUNISHMENT,—Transportation for life or years, or imprisonment not exceeding 4 years.

15. OFFENCES.—Accusing or threatening to accuse of buggery; assaulting with intent to commit, or attempting or endeavouring to commit that crime; making or offering any solicitation, &c., to any person whereby to move him to commit, &c., that crime, with the view in any of the above cases to extort by intimidation, and extorting any property. PUNISHMENT,—Transportation for life or years, or imprisonment not exceeding 4 years.

16. OFFENCES.—Plundering or stealing any part of ship, &c., in distress or wrecked, &c., or any goods, &c., belonging to such ship, &c. PUNISHMENT,—Transportation for life or years, or imprisonment not exceeding 4 years.

17. OFFENCES.—Robbing any person, or stealing from the person. PUNISHMENT,—Transportation not exceeding 15 nor less than 10 years, or imprisonment not exceeding 3 years.

18. Assaulting with intent to rob. Imprisonment not exceeding 3 years.

19. With menaces or by force, demanding any property, with intent to steal. Imprisonment not exceeding 3 years.

20. Unlawfully and maliciously setting fire to any dwelling house. Death.

21. Unlawfully and maliciously setting fire to any church, &c., or house, stable, coach house, &c., or building, &c., used in carrying on any trade, &c., whether in possession of offender or other person, with intent to injure or defraud any person. Transportation for life or years, or imprisonment not exceeding 4 years.

22. Unlawfully and maliciously setting fire to, casting away, or in any wise destroying any ship, &c., with intent to murder, or whereby any life be endangered. Death.

23. Unlawfully exhibiting any false light, &c., with intent to bring any ship, &c., into danger: or, unlawfully or maliciously doing any thing tending to the immediate loss or destruction of any ship, &c., in distress. Death.

24. Unlawfully and maliciously setting fire to, or in anywise destroying any ship or vessel in a complete or in an unfinished state, or setting fire to, &c., any ship, &c., with intent to prejudice any owner of such ship, or of any goods on board, or any underwriter. Transportation for life or years, or imprisonment not exceeding 4 years.

25. By force preventing or impeding any person endeavouring to save his life from any ship, &c., in distress, &c., whether on board thereof or after he has quitted. Transportation for life or years, or imprisonment not exceeding 4 years.

26. Unlawfully and maliciously destroying any part of any ship, &c., in distress, &c., or any Goods, &c., belonging thereto. Transportation for life or years, or imprisonment not exceeding 4 years.

27. Unlawfully and maliciously setting fire to any mine of coal. Transportation for life or years, or imprisonment not exceeding 4 years.

28. Unlawfully and maliciously setting fire to any stack of rice, corn, &c., grain, pulse, &c., whether standing or cut down, or to any part of a wood, coppice, or plantation of trees, or to any grass, fern, or other like ground produce. Transportation for life or years, or imprisonment not exceeding 4 years.

29. Stealing the whole or part of any growing tree, &c., or of any pale, post, &c., any growing cultivated plant, root, &c., or unlawfully and maliciously committing any damage, injury or spoil to or upon any real or personal property whatever. On conviction before a Magistrate or J. P. for first offence, penalty not exceeding 50 Rupees; for second or subsequent offence, imprisonment, with or without hard labour, not exceeding 6 calendar months. This Section not to extend to such offences in Prince of Wales' Island, Singapore, or Malacca.

30. Every sum of money forfeited for injury done shall be paid to party aggrieved, except when he has been examined in support of charge. If penalty not paid at time of conviction or within time allowed by Magistrate, offender may be imprisoned, with or without hard labour, not exceeding 2 calendar months, if penalty and costs do not exceed 50 Rupees, and not exceeding 4 months above that sum.

31. Several persons jointly convicted may be each adjudged to pay the full penalty, but only one penalty equivalent to injury done shall be paid to party aggrieved.

32. Offender summarily convicted, shall be released after payment of penalty and costs, or after having suffered the adjudged term of imprisonment.

33 Malicious offences under this act, punishable, whether the malice was conceived against the owner of property or otherwise.

34. In any proceeding for theft or malicious injury to property, the property needs not be alleged to be of any person.

35. The word property shall be deemed to include every thing included under the words "chattel, money, or valuable security."

36. Principals in the second degree, and accessaries before the fact, punishable as principals in the first degree. Accessaries after the fact, except receivers, shall be imprisoned not exceeding 2 years.

37. Sentences of imprisonment, may award hard labour, and also solitary confinement, not exceeding one month at a time, or three months in a year.

38. Natives of the East Indies, not born of European parents, shall not be transported to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.

Repealed by operation of Indian Penal Code, s. 2.

BENGAL.—JUSTICES OF THE PEACE.

ACT No. XXXII. OF 1838.

[*Passed on the* 10*th December*, 1838.

1. All powers in Criminal Cases given to two Justices in Bengal, Behar, and Orissa, and within the Presidency of Fort William, may be exercised by one Justice.

2. And one Justice may issue a warrant of Distress under 33 George 3, Cap. 52.

3. Legalises previous Acts and Warrants of one Justice.

I. It is hereby enacted and declared, that all powers whatever in Criminal Cases, which by virtue of any law now in force may be exercised by two Justices of the Peace within and for the Provinces, Districts, and Countries of Bengal, Behar, and Orissa, and within and for the Presidency of Fort William, in Bengal, and places thereto subordinate, may be exercised by one such Justice.

II. And it is hereby enacted, that it shall be lawful for any one such Justice to issue a Warrant of Distress for the recovery of arrears of Assessment accruing under the Act of Parliament 33 George III., Cap. 52, and every such Warrant shall have the same force as if it were under the hands and seals of two such Justices.

III. And it is hereby enacted and declared, that all such powers heretofore exercised, and Warrants issued by one such Justice of the Peace, shall be deemed legal and valid as if the same had been exercised or issued by two such Justices.

Extended to Madras by Act IX., 1849.

BENGAL.—DISTRESS FOR RENT.

ACT NO. I. OF 1839.

[*Passed on the 4th February*, 1839.

1. Repeals all Regulations giving any persons authority by virtue of Office to sell property for arrears of rent.

2. Collector, &c., by Sunnud, may appoint persons to sell property, deducting a per centage.

3. All Regulations for the guidance of persons appointed to sell, to apply to persons appointed un der this Act.

Schedule. Form of Sunnud.

Repealed by Act X. of 1859, and Act XVII., 1862.

DISTRESS AND SALE.—FINES.

ACT NO. II. OF 1839.

[*Passed on the 4th February*, 1839.

1. In cases of fines, no other means of enforcing which are provided, such fines may be levied by distress and sale of offender's goods; or if no goods are found, by imprisonment for not exceeding 2 months, with or without hard labour, or for 4 months or 6 months, according to the amount of fine.

2. In cases of fines and imprisonment heretofore and hereafter imposed, the amount of which is not fixed, the fine shall not exceed 200 Rupees, nor the term 6 months.

3. Magistrates having power to punish, may receive proof upon oath or affirmation.

4. Meaning of terms.

I. It is hereby enacted, that in all cases of fines by which offenders are or may be punishable by any Magistrate, according to the provisions of any Act theretofore passed or which shall hereafter be passed by the Governor General of India in Council, it shall be lawful, in case of non-payment, if no other means for enforcing the payment are or shall be provided by such Act or otherwise, for the Magistrate, by warrant under his hand, to levy the amount of such fine by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of such Magistrate, and if no such property shall be found within such jurisdiction, than it shall be lawful for every such Magistrate, by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and

kept to hard labor, according to the discretion of such Magistrate, for any term not exceeding two calendar months, where the amount of the fine shall not exceed 50 Rupees, and for any term not exceeding four calendar months, where the amount shall not exceed 100 Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount. [Extended by Act X., 1842.]

II. And it is hereby enacted, that in all cases in which offenders are or may be punishable by any Magistrate with fine or imprisonment, or both, according to the provisions of any Act heretofore passed, or which shall hereafter be passed by the Governor General of India in Council, and where the extreme amount of the fine or imprisonment is not specified, it shall not be lawful for the Magistrate to impose any fine exceeding 200 Rupees, or to imprison the offender for any term exceeding six months.

III. And it is hereby enacted, that in all cases in which offenders are or may be punishable by fine before a Magistrate, according to the provisions of any Act heretofore passed or which hereafter shall be passed by the Governor General of India in Council, it shall be lawful for the Magistrate, and be hereby required to receive proof of the commission of the offence upon oath, or upon solemn affirmation in cases where a solemn affirmation is receivable by law instead of an oath.

IV. And it is hereby declared and enacted, that in this Act, and in all Acts heretofore passed by the Governor General of India in Council, the terms "fine" and "fines" shall extend to all "penalties" and "forfeitures," and the term Magistrate" shall extend to all "Joint Magistrates," "persons lawfully exercising the powers of a Magistrate," and "Justices of the Peace"

Repealed by Act XVII., 1862.

BRITISH SUBJECTS.

Act No. III. of 1839.

[*Passed on the* 18*th February*, 1839.

1 and 3. No person by reason of place of birth or descent, to be exempt from jurisdiction of Revenue Courts sr Moonsiffs.

2. Validates decrees which would be open to exception before the passing of this Act.

I. It is hereby enacted and declared, that within the British Territories under the Government of the East India Company, no person whatever is or shall be, by reason of place of birth or by reason of descent, in any proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the Revenue Courts, any thing in Act No. XI. of 1836 contained notwithstanding.

II. And it is hereby enacted, that no such proceeding which may have been instituted before the passing of this Act in any such Court, and no decree which may have been passed before the passing of this Act in any such proceeding by any such Court, shall be treated as invalid by reason of the place of birth or by reason of the descent of any party to such proceeding or to such decree.

III. And it is hereby enacted, that within the said Territories no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever connected with arrears or exactions of rent excepted from the jurisdiction of the Courts of the Moonsiffs. [Act XI., 1843, abolishes this exception, in any Civil proceeding whatever: consequently, a reference to the above Section is unnecessary.]

Repealed by Act X., 1861, in so far as applicable to any suit or proceeding under Act VIII., 1859.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

Act No. IV, of 1839.

[*Passed on the* 18*th March*, 1839.

1. Offences.—Stealing growing tree, sapling, shrub, underwood, pale, post, stile, growing cultivated plant, root, fruit, or vegetable production, maliciously committing damage, &c., upon private property. Punishment,—To pay not exceeding 200 Rupees, besides compensation. For second and subsequent offences, six months' imprisonment.

2. Sum assessed for compensation to be paid to party aggrieved, &c.

3. In default of payment, offender may be committed to prison with or without hard labour for terms varying with amount of penalty.

4. Offender to be released from all further proceedings for same cause, after payment or imprisonment.

5. Offence maliciously committed within the Act, whether the malice was conceived against the owner or otherwise.

6. Receiver punishable in same manner as principal offender.

7. Court to set for trial of cases under this Act once in fourteen days at least.

I. It is hereby enacted, that if any person shall, within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, steal the whole or any part of any growing tree, sapling, or shrub, or any underwood, or the whole or any part of any pale, post, or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil, to or upon any real or personal property whatsoever, of a private nature, every such offender, being convicted thereof before a Court of Quarter Session, shall for the first offence forfeit and pay over and above the amount of the injury done, such sum of money, not exceeding 200 Rupees, as to the Court of Quarter Session shall seem meet, and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for every such subsequent offence, be imprisoned with or without hard labour for such term not exceeding six calendar months, as the Court of Quarter Session shall think fit.

II. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the Court of Quarter Session, but not to exceed 200 Rupees), shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence. Provided always, that when several persons shall join in the commission of the same offence, and shall, on conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only.

III. And it is hereby enacted, that in every case of conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the said Court of Quarter Session, shall not be paid, either

immediately after the conviction, or within such period as the said Court shall at the time of the conviction appoint, it shall be lawful for the said Court to commit the offender to prison, there to be imprisoned only, or to be imprisoned with hard labour, according to the discretion of the said Court, for any term not exceeding two calendar months, when the amount of the sum forfeited or of the penalty imposed, or both (as the case may be), together with the costs, shall not exceed 50 Rupees; and for any term not exceeding four calendar months, when the amount, with costs, shall exceed 50 Rupees, but shall not exceed 100 Rupees, and for any term not exceeding six calendar months, in any other case: the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

IV. And it is hereby enacted, that in case any person convicted of any offence, by virtue of this Act, shall have paid the sum adjudged to be paid, together with the costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, such person shall be released from all further or other proceedings for the same cause.

V. And it is hereby enacted, that every punishment, and forfeiture by this act imposed on any person maliciously committing any offence shall equally apply and be enforced, whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

VI. And it is hereby enacted, that where the stealing of any property is by this Act punishable, either for every offence or for the first and subsequent offences, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof, in like manner as the principal offender, be liable for every first and subsequent offences of receiving to the same forfeiture and punishment to which a person guilty of a first or subsequent offence of stealing is by this Act made liable.

VII. And it is hereby enacted, that the Court of Quarter Session established by the Letters Patent establishing the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, bearing date the 27th day of November, 1826, shall sit for the purpose of hearing and determining matters made offences by this

Act at each station of the said Settlements not less frequently than once in fourteen days. Provided always that no Court shall be holden excepting in the presence of one of the Judges of the Court of Judicature [and that no Justice of the Peace being a Proprietor or renter of a spice plantation or otherwise directly interested in the enforcement of the provisions of this Act, shall sit and have a deliberative voice in such Court of Quarter Session when held at a station where such Justice may be so interested.]

Bracketed part repealed by Act V., 1853.

PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA.

ACT No. V. OF 1839.

[*Passed on the* 18*th March,* 1839.

1. Magistrate, &c., may grant warrants to search for articles concealed the exclusive privilege of preparing or selling which has been farmed out by the E. I. Co.

2. Persons found contravening Regulations may be searched without warrant. Persons obstructing search to be fined, not exceeding 100 Rupees, and in case of non-payment imprisoned.

3 Officer maliciously and without reasonable ground apprehending, &c any person on plea of having infringed Regulations, may be fined not exceeding 100 Rupees, and in case of non-payment, imprisoned not exceeding 3 calendar months.

4. No further proceedings to be taken for same cause, after payment of the fine, or imprisonment.

5. No officer to act under provisions of this Act unless specially appointed.

Repealed by Act XIV., 1851.

BANK OF BENGAL.

ACT No. VI. OF 1839.

[*Passed on the* 18*th March,* 1839.

1. Rescinds and cancels the Charter of the Bank of Bengal, dated 29th May, 1823, and Acts 19, 1836, and 24, 1838.

2, 3. Continue the Corporation in all respects the same.

4. Bank may sue and be sued by Corporate name, and hold and transfer property.

5. Capital Stock may be increased by Regulation of G. G. of India. Twelve months to be given for filling up subscriptions

6 Capital Stock of Bank to be 75 lacs, and further sum specified. Share to be 4,000 rupees, divisible into quarters.

7. No proprietor to hold more than one lac and sixty thousand, until the Bank Capital is increased, and except by succession, bequest, or marriage.

8. Entitles every proprietor to a certificate of his shares.

9. Shares to be personal estate transferable by endorsement. Transfer must be registered, and endorsement noted by officer.

10. Corporation to consist of registered proprietors only.

11. Business to be managed by 9 Directors, 3 of whom to be appointed by G. G. in C., 6 by General Meeting of Proprietors.

12. The Directors, when Charter ceases, to continue.

13. Two Directors to go out Second Monday in December, when General Meeting to elect 2 in their stead. Out-going Director not re-eligible; existing rotation to be observed.

14. In case of death, resignation, or absence of Director, for more than 3 Months, General Meeting to elect successor.

15. Director must have 3 shares, and not be Director of any other Bank of Issue in Calcutta.

16. At General Meetings, questions to be decided by Majority of votes of persons whose title (except by act of law) has been completed six months.

17. Prescribes the scale according to which Proprietors may vote.

18, 19. Allow proxies to vote.

20. Directors to choose President, who is to have a casting vote

21. Three Directors necessary to form a Board, and Directors to establish a rotation among themselves.

22. Accounts of the Bank, and all instruments not under seal whereby Bank can be bound, except Cash notes, shall be signed by 3 Directors. Seal to be used only in presence of 3 Directors, who shall sign in token of their presence.

23. Directors may appoint officers, remove officers and fix salaries. Whole expense of establishment not to exceed 60,000 rupees, without authority of General Meeting.

24. Prohibits the Secretary, Treasurer, Head Accountant, or Khazanchee, from engaging in other Commercial business either as Principal, Agent, or Broker; requires them to give security.

25. Bank shall not be engaged in any business except of the kinds following, &c.

26. Directors not to discount or make loan, unless cash in possession is equal to one fourth of all claims on the Bank payable on demand.

27. Directors not to discount securities having more than three months to run, nor to lend money for more than three months, nor to lend on Bank shares or certificates, nor on mortgage, nor on negotiable security not carrying the responsibility of two persons or firms, nor be in advance to any individual beyond three lacs save upon Collateral Securities specified.

28. Directors to make no loan other than specified, except on deposit of public Securities, &c., absolutely transferred to the Bank, or of goods not of a perishable nature.

29. Bank not to be in advance to Government more than seven and a half lacs. But the holding of Government Securities, not overdue, from individuals shall not be deemed an advance to Government.

30. Directors shall not suffer any person keeping Cash, to overdraw his account.

31. Bank may issue Promissory Notes not less than 10 Rupees, payable on demand, or not exceeding 30 days after sight. Total amount of Notes not to exceed 2 Crores.

32. Prohibits Bank from making, issuing, or negotiating notes, &c., for payment out of the limits of India.

33. Directors may receive on deposit goods not of a perishable kind, and contract for their safe keeping.

34. Books of Bank to be balanced on 30th June and 31st December in every year, &c.

35 Dividend to be made of actual profits for preceding six months. Directors, with sanction of Proprietors, may set apart a reserved fund to meet contingencies.

36. First Monday in August, statement of affairs of Bank to be laid before General Meeting of Proprietors, &c.

37. Any three Directors may at any time convene a General Meeting of Proprietors, giving 15 days' notice, &c.

38. Branch Banks may be established with sanction of Governor General in Council. Business of Branch Bank to be same as of Head Bank.

39. Dividend may be retained in payment of debts from Proprietors. Proprietor indebted to Bank shall not transfer his share. Share may be sold after six months' notice.

40. Bank to continue till 1st May, 1846, and thereafter until dissolved. Twelve months' notice of dissolution to be given. Bank suspending cash payments to lose the benefit of this Act.

1. The existing Charter of the Bank of Bengal having been found in many respects inconvenient and imperfect, the Members of the said corporation have by their Directors applied to the Governor General of India in Council for the amendment thereof, by a new Charter or Act of Incorporation, tendering the surrender thereupon of the said Charter, and the Governor General in Council having assented to such surrender, and to the continuance of the said corporation as hereinafter declared, it is hereby enacted that from the 1st day of May next after the passing of this Act the Charter of the said Bank of Bengal bearing date the 29th May, 1823, and the Act No. XIX. of

1836, and the No. XXIV. of 1838, relating thereto, shall respectively cease to have effect, and the same are hereby from that day cancelled, save as to such particulars as are herein mentioned or referred to.

II. And it is hereby enacted, that the persons who at the time of the determination of the said Charter and Acts aforesaid shall, under the provisions of the said Charter and Acts, be the proprietors of the capital stock of the said Bank of Bengal, shall, notwithstanding the determination of the said Charter and Acts, continue to be a corporation, body corporate and politic, by the name of the Bank of Bengal with perpetual succession to them and their successors, proprietors for the time being of the said Bank as hereinafter mentioned, and to possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

III. And it is hereby enacted, that all property and securities for property, claims and demands whatsoever now vested in or held by the said Bank of Bengal, under and by virtue of said Charter and Acts, shall, immediately on the determination of the said Charter, devolve on and become vested and continued in the Bank of Bengal, so continued and incorporated by this Act as aforesaid; and that the said Bank of Bengal, so continued and incorporated as aforesaid, shall be subject to all debts, demands, claims, and liabilities outstanding against the said Bank at the time of such determination of its said Charter as aforesaid, and that no suit or proceeding at Law or in Equity then pending shall cease or abate in consequence of such determination of the said present Charter, and of such renewal and continuance of the said Bank by virtue of this Act.

IV. And it is hereby enacted, that the said Bank so renewed and continued shall and may sue and be sued by its corporate name aforesaid, and shall and may have and use such common seal as the Directors of the said Bank shall from time to time appoint and shall be competent to acquire and hold either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

V. And it is hereby enacted, that the Capital stock of the said Bank as constituted under the said present Charter and Acts shall, on the determination of the same by virtue of this Act,

continue to be the capital stock of the said Bank so renewed and continued as aforesaid, provided, however, that it shall be in the power of the Governor General of India in Council from time to time, by resolution notified in the "Calcutta Gazette," to authorize the said Capital Stock to be increased; and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportions of new stock to which they may respectively be entitled, and to make such order and direction as to him the said Governor General in Council may seem fit for the disposal of the amount of new stock that may not be subscribed for and paid up in the manner and form so prescribed.

VI. And whereas the Capital Stock of the said Bank, which by the said Act No. XIX. of 1836, was fixed at 75,00,000 of Rupees, divided into 1,875 shares of 4,000 Rupees each, has, by the Resolutions of the President of the Council of India in Council, issued and notified to the Proprietors on the 17th October, 1838, in conformity with Act No. XXIV. of 1838, been ordered to be increased by one half, and whereas a book is now open for subscriptions, and payment is now being made of such increased capital in the manner and under the terms and conditions authorized in the said Act No. XXIV. of 1838, and prescribed in the said order and notice of the President in Council, it is therefore hereby enacted, that the Capital Stock of the said Bank shall, on the said 1st May next, when this Act shall take effect for the re-incorporation of the said Bank, consist of the said sum of 75,00,000 of Company's Rupees, together with such further amount as shall on that date have subscribed and paid into the Bank of Bengal, under the order and notice referred to, and the further subscriptions and payments of capital authorized and ordered as above mentioned, shall continue to be received in the manner provided in the said order and notice of the President in Council, and shall be added to the Capital Stock of the Bank as received, accordingly as is prescribed in the said order passed under the authority of the said Act, and the capital

stock held by the Bank of Bengal on the said 1st May next, together with the further capital that may be subscribed and paid up as above after that date, shall be divided into shares of 1,000 Rupees each, or into quarter shares of 1,000 Rupees each, in the manner declared and provided by Act No. XIX. of 1836, and the shares of the said capital that may be then registered in the name of the Governor General of India in Council, shall be the property of the said Governor General of India in Council for the time being on behalf of the East India Company, together with any new shares or quarter shares for which subscription may be made on account thereof, under the option reserved to the said Governor General of India in Council to that effect in the said order and notice, and the shares and quarter shares registered as belonging to individual Proprietors shall continue to be the property of such Proprietors, and the said Proprietors shall respectively be in the proportion of their several interest Proprietors of the Bank of Bengal as re-incorporated by this Act, and shall hold and enjoy in respect to their several shares and interests the same precise rights and privileges, as regards the subscription to fresh stock, under the order and notice referred to, as they would have done if the Bank of Bengal had continued under the Charter and Acts referred to, the re-incorporation of the said Bank by this Act notwithstanding.

VII. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the amount of one lac and sixty thousand Rupees, excepting on occasion of the present or of any future increase being made to the Capital Stock of the said Bank, under the authority of the Governor General in Council, in the manner prescribed in Sections V. and VI. of this Act, in which case any Proprietor holding stock, to the full amount of one lac and sixty thousand Rupees, shall notwithstanding be entitled to subscribe to the increased Capital Stock in a rateable proportion, and excepting any addition to his interest in the said Capital Stock arises from succession, bequest, or marriage.

VIII. And it is hereby enacted, that a certificate, signed by three Directors of the said Bank shall be delivered to the proprietor or proprietors of all the said shares of the Capital Stock of the said Bank, upon demand made by the holder of such

share, and that any person who is a proprietor of more than one such share, may, at his option, demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

IX. And it is hereby enacted, that the said share or shares of the Capital Stock of the said Bank shall be of the nature of personal estate of the proprietors thereof respectively, and that the same shall be transferable by indorsement to be made on such certificates thereof respectively, under the hand of the proprietor or proprietors, or his, her, or their attorneys duly authorized, which indorsement shall specify the name of the person or persons to whom the said transfer shall be made, provided that no such indorsement shall be effectual to transfer any such share or shares until such indorsement shall have been registered at the Bank of Bengal, and such registration shall have been noted on such indorsement, under the hand of an Officer appointed for that purpose by the Directors of the Bank.

X. And it is hereby enacted, that the said corporate body, so renewed and continued as aforesaid, shall consist and be composed of the registered proprietors for the time being of the said shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removeable by the Governor General of India in Council, and the remaining six shall be elected by a General Meeting of the proprietors of the said Bank, and removeable by vote of the majority of a General Meeting of the said proprietors.

XII. And it is hereby enacted, that the persons who at the time of such determination of the said present Charter and Acts as aforesaid, shall be Directors of the said Bank, shall thereafter continue to be directors of the said Bank so renewed and continued as aforesaid.

XIII. And it is hereby enacted, that two of the six Directors elected and to be elected by the said Proprietors shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead, provided always that any Director going out by rotation as

aforesaid may not be re-elected at the election which takes place thereupon—provided also that the rotation existing at the time of such determination as aforesaid of the said present Charter and Acts shall continue to be observed.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Calcutta for more than three months, or removal as aforesaid of any Directors elected or to be elected by the said Proprietors, the Directors shall call a General Meeting of the Proprietors to be held within fifteen days, for the purpose of choosing a successor, and such successor shall come into the same place in the rotation above mentioned in which the Director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the said Proprietors who shall not be Proprietor in his own right, and unencumbered, of three shares of 12,000 Rupees of the Capital Stock of the Bank of Bengal, or who shall be a Director of any other Bank issuing Notes payable on demand within the Town or Suburbs of Calcutta.

XVI. And it is hereby enacted, that at General Meetings of the Proprietors every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any share of the said Capital Stock acquired by transfer or purchase or otherwise than by act of law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:—

1	share of	4,000 Rs.	shall entitle to	1	vote.
5	„	„	„	2	„
10	„	„	„	3	„
15	„	„	„	4	„
20	„	„	„	5	„
30	„	„	„	6	„
40	„	„	„	7	„

And no Proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for

the Governor General of India in Council to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor General may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy, shall be entitled to give seven votes upon all matters or questions that may be submitted to such Meeting, excepting upon the election or removal of such Directors as are elected by the said Proprietors.

XIX. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting may give a proxy in writing, either general or special, under his, her, or their hand, or the hand of his, her, or their attorney, duly authorized, to any other Proprietor, and that such proxy shall entitle the person to whom it is given to vote on such matters as shall be authorized by the tenor of such proxy.

XX. And it is hereby enacted, that at the first Meeting of the Directors in every year they shall choose a President from among themselves, and if the office of the President shall become vacant they shall at their next Meeting choose a successor for the remainder of the current year, and that during any vacancy or in the absence of the President, the senior Director shall be Vice-President for the time, and that such President or Vice-President shall have the casting vote in all cases of an equal division of votes at Meetings, either of Directors or Proprietors.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and that the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors; provided always, that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXII. And it is hereby enacted, that all accounts of the said Bank and all instruments not under seal, whereby the said Bank can in any manner be bound, except the Cash Notes of the Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names to the instrument in token of their presence, and that such signing shall be independent of the sign-

ing of any person who may sign the instrument as a witness, and that unless so signed by three Directors such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not in any one year exceed 60,000 Rupees, without previous authority from the General Meeting of the Proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the Office of Secretary, Treasurer, Head Accountant or Khazanchee of the Bank of Bengal, shall engage in any other commercial business, either on his own account, or as Agent for any other person or persons, or act as a broker for the sale or purchase of Government Securities; and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty in the sum of 50,000 Rupees.

XXV. And it is hereby enacted, that the said Bank of Bengal shall not be engaged in any kind of business except the kinds of business hereinafter specified, that is to say—

1. The discounting of Negotiable Securities.
2. The keeping of Cash Accounts.
3. Buying and Selling of Bills of Exchange payable in India.
4. The lending of Money on short loans.
5. The Buying and Selling of Bullion.
6. The receiving of Deposits.
7. The issuing and circulating of Cash Notes and Bank Post Bills.
8. The selling of Property or Securities deposited in the Bank as security for loans, and not redeemed, or of property or securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security and make no loan unless the amount of cash in possession of the said Bank, and immediately available, shall be equal to at least one fourth of all the claims against the said Bank, outstanding for the time being and payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months, and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on mortgage, or in any other manner on the security of any lands, houses, or immoveable property, nor on any Negotiable Security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual or partnership firm either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities, or Goods not perishable as hereinafter mentioned) beyond the amount of three lacs of Company's Rupees; provided always that advances upon Bills of Exchange accepted by the Government, or upon other Government Obligations shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the Section next preceding, except on deposit of Public Securities to the full amount of the loan, and which Public Securities shall be so indorsed or transferred as to put them at the absolute disposal of the said Bank of Bengal, or on deposit of Goods, not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than seven lacs and a half of Company's Rupees, provided always that the holding of Government Securities or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or Obligations derived to the said Bank from individuals and not overdue, shall not be construed as being in advance to the Government within the meaning of this Section.

XXX. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not suffer any person or persons, or body corporate, keeping cash at the said Bank of Bengal, to overdraw his, her, or their account.

XXXI. And it is hereby enacted, that the said Bank of Bengal may issue Promissory Notes, payable either on demand or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf, provided always that the total amount of such Notes in circulation at any one time shall not exceed two crores of Rupees, and provided also that no such Notes shall be for a smaller amount than ten Rupees. [Repealed by Act XIX., 1861.]

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or nogotiate any Note, Bill, or other instrument containing any promise, undertaking, or order for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bengal to receive on deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the books of the said Bank to be balanced on the 30th of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor General of India in Council, and that the Governor General of India in Council shall at all times be entitled to require of the said Directors any information touching the affairs of the Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profit of the said Bank shall be taken half-yearly on the 1st day of January and the 1st day of July in every year, that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half-yearly account shall be taken, provided that the said Directors, subject to the control and sanction of the Proprietors at their General Meeting, shall have power

when they see fit to set apart from such profits a sum not exceeding five per cent. on the Capital Stock of the Bank as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a statement of the affairs of the said Bank, made up to the preceding 30th of June, and such General Meeting shall be competent to pass resolutions, and frame rules and directions relative to the affairs and conduct of the said Bank which shall be binding on the Directors and Officers of the Bank, and on the Proprietors thereof, until rescinded or modified respectively by any subsequent General Meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank, may at any time, convene a General Meeting of the Proprietors, upon giving fifteen days' previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the "Calcutta Gazette."

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bengal, with the sanction of the Governor General of India in Council, to establish Branch Banks at such places, and under such rules and restrictions as shall be determined by the Proprietors at their General Meetings, provided however, that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank at Calcutta, shall be bound by the same rules as to the description of business in which they are to engage and the manner of conducting such business, and likewise in respect to the issue of notes payable on demand and the retention of cash to meet the same, and in all transactions and matters hereinabove referred to, as are prescribed for the Bank of Bengal by this Act.

XXXIX. And it is further enacted, that if any of the said Proprietors shall become indebted to the said Bank it shall be lawful for the said Bank to withhold payment of the dividends on the

share or shares of such Proprietor, registered as his or her own property, and not as held in trust, or as executor, or administrator, until payment of such debt, and to apply such dividends towards payment thereof; and that after demand and default of payment and notice in that behalf given either to such Proprietor, or his or her constituted agent, or by public advertisement in the "Calcutta Gazette", it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor, until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor, or to his or her lawful representative.

XL. And it is hereby enacted, that the said Bank shall continue as hereby constituted until the 1st day of May, which will be in the year of our Lord 1846, and shall thereafter continue in like manner until duly dissolved or modified, provided however that after the said 1st day of May, 1846, the said Bank shall not, except upon the application or by the consent of the Proprietors of the said Bank be dissolved, or any wise modified, without previous notice of twelve months at the least, being given to the Directors of the said Bank for the time being of such intended dissolution or modification, provided also that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

Repealed by Act IV., 1862.

MADRAS.—TAHSEELDARS.

Act No. VII. of 1839.

[*Passed on the* 18*th March,* 1839.

1. Repeals Section 23, Reg. 28, 1802, and annuls all Commissions appointed under it.

2. Tahseeldars to exercise the same powers as Commissioner for sale of property for arrears of rent or revenue

3. Tahseeldars to be subject to control of Collector, &c.

4. Tahseeldars to be subject to same liabilities as under Reg. 9, 1822.

5. Tahseeldars not entitled to fee or commission on sale. Fees to be carried to account of Government.

6. Tahseeldars may delegate powers subject to order of Collector, &c.

I. It is hereby enacted, that from the 1st day of May, in the year of our Lord 1839, Section XXIII., of Regulation XXVIII., of 1802, of the Madras Code, shall be repealed, and all Commissions whereby Commissioners for the sale of distrained property may have been appointed under the provisions of that Section, shall be annulled.

II. And it is hereby enacted, that from the said day all Tahseeldars within the Territories subject to the Presidency of Fort St. George, shall be vested with the powers of Commissioners, for the sale of property distrained for arrears of rent, or of revenue, and shall be subject to all rules and provisions to which by any Law or Regulation such Commissioners are subject.

III. Provided always, that in respect of the exercise of those powers, Tahseeldars shall be subject to the control and superintendence of the Collector, and shall not be subject to the authority of the Zillah Judge, except in the case of any judicial proceedings.

IV. Provided also, that Tahseeldars shall be subject to the same liabilities, in respect of the exercise of the said powers, to which they are subjected by Section X., Regulation IX., of 1822, of the Madras Code, in cases in which they conduct sales under the provisions of that Regulation.

V. Provided also, that Tahseeldars shall not be entitled to any fee or commission for selling such distrained property; but that all fees or commission which may be now lawfully taken by Commissioners for the sale of such distrained property, shall be taken and carried to the account of Government.

VI. And it is hereby enacted, that Tahseeldars shall have authority, subject to the orders of the Collector, to delegate the powers vested in them by the second Section of this Act, to any public servants placed under their authority; and that the provisions of the three last preceding Sections of this Act shall apply to all public servants to whom those powers shall have been so delegated, in the same manner as they apply to Tahseeldars.

CHINCHNEE.—LAPSED JAGHEER,
ACT NO. VIII. OF 1839.

[*Passed on the 8th April,* 1839.

Villages enumerated, having lapsed to Government, shall be subject to Acts and Regulations of Bombay Presidency.

I. It is hereby enacted, that the following Villages, lately comprising the Jagheer of Chinchnee, now lapsed to Government, shall, from the time of passing this Act, be subject to all Acts and Regulations which are or shall be in force within the Territories subject to the Presidency of Bombay, Pergunnahs Gokak and Anwal.

The two following Villages of the Pergunnah Terdal, viz:—

8. Moja Sunkurhutee. 2. Moja Kowtkope.

The two following Villages of the Pergunnah Yadwad, viz:—

1. Moja Hoolkoond. 2. Moja Boodnee.

The two following Villages of the Pergunnah Gudee Kokutnoor:—

I. Moja Jhoonjurwad. 2. Moja Nundeshwur.

The Village of Moja Kutkeree, of the Pergunnah Utnee.

The Village of Moja Chikpudsulgee, of the Pergunnah Bidree.

The Village of Moja Oomruj, of the Pergunnah Burdole.

The four following Villages of the Prant Meruj, viz:—

1. Kusba Ashta, Kurryat Ashta, (*a*)
2. Moja Dhamnu. } Kurryat Tasgaon.
3. Moja Dhowlee. }
4. Moja Sumdolee, (*a*) Kurryat Sanglee. (*a*)

The four following Villages of the Prant Raibaug, viz:—

1. Thana Chinchnee. } Kurryat Nandre.
2. Moja Umnapoor. }
3. Kusba Eksumbe. } Kurryat Eksumbe.
4. Moja Bhoj. }

The two following Villages of the Prant Punnala, viz:—

1. Moja Koondul. (*a*) } Turf Valve.
2. Moja Poonudee. (*a*) }

The Village of Ingulgee of the Koongol of Pergunnah, within the Dharwar Collectorate.

The three following Villages of the Patoda Pergunnah, within the Amednuggur Collectorate:—

Moja Singnapoor. Half of Moja Godegaon. Half of Moja Kaslee.

The Village of Hoondee Goonda, of the Pergunnah of Terdal.

The Village of Moja Sooltampoor, of the Pergunnah of Terdal.

(*a*) Repealed as to the above Villages by Act VI. of 1842.

BENGAL.—SUITS IN FORMA PAUPERIS.

ACT NO. IX. OF 1839.

[*Passed on the* 15*th April*, 1839.

1. No persons to institute a suit in formâ pauperis unless the Court is satisfied, by examination on oath, &c., that there is probable cause for instituting the suit.

2. In all suits in formâ pauperis, defendant's pleadings may be on unstamped paper. Defendant may have copies on unstamped paper, and need not deposit Vakeel's fees. Stamps to be charged in costs of suit, when terminated.

3. This Act not to extend to H.M.'s Courts.

I. It is hereby enacted, in addition to the Rules already in force for instituting suits in formâ pauperis, that no person shall be hereafter entitled to institute any suit in formâ pauperis, in any Civil Court of Judicature within the Territories subject to the Presidency of Fort William in Bengal, unless the Court in which his petition may be presented shall, before granting such petition, be satisfied by the examination of the petitioner, or of his or her agents or witnesses (which examination shall be taken on oath, or solemn affirmation in cases where a solemn affirmation may be received instead of an oath), that there is probable cause for instituting the suit.

II. And it is hereby enacted, that in all suits instituted in formâ pauperis, the pleadings on the part of the defendant, as well as all papers filed on his part on which a stamp is required by schedule B. of Regulation X. of 1829 of the Bengal Code, may be written on unstamped paper, and copies of orders or proceedings which the defendant may be required to take shall be furnished to him on unstamped paper, and the defendant shall not be required to deposit Vakeel's fees; provided always, that on the conclusion of the suit the Court shall calculate the whole of the costs which would have been incurred by the defendant on account of stamp duties if the suit had not been instituted in formâ pauperis, and shall charge the same to the party cast, or to the parties respectively, in such proportions as may be deemed reasonable.

III. And it is hereby provided, that nothing in this Act contained shall be construed to extend to any suits instituted in formâ pauperis, in any of Her Majesty's Courts of Justice.

Repealed by Act X., 1861, wherever Code of Civil Procedure is in operation.

PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA.—CRIMINAL LAW.

Act No. X. of 1839.

[*Passed on the 15th April*, 1839.

1. Whoever in Strait's Settlements wages war against any ally or state at peace with the Indian Government, &c., shall be guilty of felony, and transported not exceeding 14 years, or imprisoned not exceeding 10 years.

2. Receivers of property taken from territories of allies, &c., shall be punished in like manner.

I. It is hereby enacted, that whoever, within the Settlements of Prince of Wales' Island, Singapore or Malacca, wages war against the Government of any Power in alliance or at peace with the Government of the Territories of the East India Company, or attempts to wage such war, or by instigation, conspiracy, or aid, knowingly abets the waging of such war, or makes, or by instigation, conspiracy or aid, in supplying or selling arms, equipments, or otherwise knowingly abets the making of any preparation to commit depredations on the Territories of any such Power, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour for any term not exceeding ten years.

II. And it is hereby enacted, that whoever, within the Settlements aforesaid, shall receive any property, such person knowing the same to have been taken from the Territories of any Power in alliance or at peace with the Government of the Territories of the East India Company in the prosecution of such war or depredation as aforesaid, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour, for any term not exceeding ten years.

INSTITUTION FEES ON APPEAL TO THE PRIVY COUNCIL.

Act No. XI. of 1839.

[*Passed on the 22nd April*, 1839.

I. It is hereby enacted, that from the time of the passing of this Act, no Stamp Duty or Institution Fee shall be payable in res-

pect of any proceeding in any Appeal, or in respect of any paper or copy of any paper necessary for any Appeal from any Court of the East India Company to Her Majesty in Council.

PRINCE OF WALES' ISLAND SINGAPORE, AND MALACCA.—MUNICIPAL APPOINTMENTS.

ACT No. XII. OF 1839.

[*Passed on the 29th April*, 1839.

1. Repeals Regulation 1, 1827, of Governor in Council of Prince of Wales' Island.

2, 3. Assessment to be levied on Dwelling houses, &c., not exceeding 10 per cent. of annual value in George Town, Singapore, and Malacca, of 5 per cent. on rent or value beyond those limits.

4. Exempts property of the annual value of less than Six Spanish Dollars.

5. Chief Civil Officer to fix limits of the said Towns.

6. Exempts, Religious Edifices, Hospitals, Cemeteries, &c.

7. Exempts houses, &c., within Military Cantonment, &c.

8. Imposed a tax on all Carriages, Carts, and Cattle in use in the Incorporated Settlement.

9. Chief Civil Officer to appoint Officers to collect assessment, &c.

10. Prescribes the mode of enforcing payment by Distress and Sale of goods in case of default.

11. Gives the right of suing for arrear in any Court of Justice.

12. Gives the right of appeal in case of surcharge, exemption, &c.

13. Out of the Funds collected the streets are to be watched, cleansed, lighted, repaired, &c., and roads and bridges made and repaired.

14, 15. Collecting Officer every January to make detailed statement of collections and disbursments, and same to be open to inspection and published in newspaper.

16. Officers to be under superintendence of Chief Civil Authority.

17. Palanquin Carriages, Carts and Vehicles to be registered, or in default owner to forfeit not exceeding 20 Spanish Dollars, &c.

18. Assessments to be paid half-yearly in advance.

19. Registered vehicles to have a numbered board.

20. If change of occupation takes place within the year after the assessment, levy may be made on property or on goods, &c., of occupier according to period of occupation.

21. Owner of house not let, shall be deemed occupier, but to have an abatement if premises unlet or unused for 3 months.

23. Assessment not to be invalidated by mistake in name of person assessed, or of property chargeable, or in amount of assessment, &c.

Extended by Act XII., 1840, repealed by Act IX., 1848.

MADRAS.—PORT DUTIES.

Act No. XIII., of 1839.

[*Passed on the* 20*th May*, 1839.

1, 2. Consolidates, and commutes into a Port duty the Anchorage, Lighthouse and other charges, and substitutes a duty of 3 annas and 3 annas 6 pie per ton on vessels, &c., according to their nation, and measurement tonnage.

3. Vessels not breaking bulk and not remaining 4 days to pay reduced duties.

4. Applies all previous powers, penalties, &c., to the provisions of this Act.

5, 6. Government of India may order the consolidation and commutation of Port and Harbour dues at subordinate ports, into tonnage duties, at rates specified being lower than the Madras rates.

7. Consolidated duty to be levied by Officer appointed to give Port Clearance. Port Clearance may be withheld till duty is paid.

8. Extends to Consolidated Duty at subordinate Ports, all powers, penalties, &c., applicable to previous duties.

Repealed by Act XXII., 1855, s. 2, from the time when Port, &c., is declared subject to that Act.

EMIGRATION.

Act No. XIV., of 1839.

[*Passed on the* 27*th May*, 1839.

1. Repeals Acts XXXII. 1837 and V. 1837.
2. Prohibits the hiring of Natives for emigration, under penalty.
3. Act not to apply to native seamen.

Repealed by Act XIII., 1864, which consolidates and amends the Law respecting the Emigration of Native Laborers.

MADRAS.—CUSTOMS.—SUGAR.

Act No. XV., of 1839.

[*Passed on the* 10*th June*, 1839.

1. Foreign Sugar or Sugar the growth of any British Possession into which Foreign Sugar can be imported, landed or attempted to be landed, shall be confiscated. But Sugar, the growth of Bengal, &c., may be landed as heretofore

2, 3. Any person in possession of Sugar the growth of the Madras Territories, desirous of obtaining a Certificate of origin, shall make and subscribe declaration in form A. before the proper Officer. Such Officer shall grant Certificate in form B.

4, 5. Person intending to ship Sugar may produce before mentioned Certificate, and make and subscribe Declaration in form C. before proper Officer. Such Officer shall give Certificate in form D.

6. Any person knowingly in any such Declaration affirming an untruth shall be fined not exceeding 5,000 Rupees, and imprisoned not exceeding 2 years.

7. Act to come into operation at the expiration of one year after passing.

Schedule, A. B. C. D.

Repealed by Act XIX., 1854.

PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA.—LAND REVENUE.

Act No. XVI., of 1839.

[*Passed on the* 10*th June*, 1839.

1. Rules for regulating the Assessment and Collection of Rents payable to Government.

2. Land held not under a registered title from Government, and not declared free, shall be liable to assessment.

3. Collector may eject person holding land in manner aforesaid, if he refuse either to remove, or to engage for the land on requirement of Collector.

4. Magistrate, &c., to assist Collector in enforcing the power above given. Persons resisting, to be fined not exceeding 1,000 Rupees, and in default of payment to be imprisoned not exceeding six months.

5. Collector may measure and assess and grant lease of waste and forest land to persons desirous of clearing and occupying, &c. What to be done in case jungle is too dense, &c., to measure. Lease not to be granted for term exceeding 20 years; renewable on new terms for 30 years.

6. Collector may require applicant to set up good and solid landmarks by which the boundaries may be defined. Lease not to take effect until landmarks have been set up. Persons removing or defacing landmarks to be fined, &c., as specified in 4th Section.

7. Applications for land for longer term than 20 years, renewable for 30, to be forwarded to the Governor of Bengal.

8. Leases to be signed by the Collector; lease shall specify leaseholder's name, quantity, boundaries, and rent; which particulars are to be registered.

9. Leases may be surrendered, for the purpose of having new one in subdivisional parcels of same property.

10. (1.) Rent to be paid at the Collector's Office.

(2.) When rent is in arrear, Collector shall demand payment in writing within 15 days, by notice, stating amount due, and that it will be recovered with costs under this Act.

(3.) Notice to be served on the occupier, at his place of residence or by being stuck up on the premises.

(4.) One Rupee to be charged for service of Notice.

(5.) If arrears are not paid, the Collector may issue attachment against personal property, effects, and crops of defaulter, and after 5 days may sell same.

(6.) Attachment to be made by Officer specially deputed. Mode of making the attachment.

(7.) Two Rupees to be paid for attachment whether sale takes place or not.

(8.) If arrear not realized by above means, the land itself may be sold.

(9.) Manner in which land shall be brought to sale. Sale to be advertised by Notice in Collector's Office and in Court of Justice. Sale to be by Public Auction, in presence of Collector, to highest bidder. Surplus, after payment of arrears with interest at 12 per cent. and costs, to be paid to defaulter. Collector to make Title to Purchaser, and put him in possession and to notify the result, &c. Person offering cancelled lease, &c., to be fined not exceeding 500 Rupees, and in default of payment imprisoned not exceeding 4 months. Persons resisting sale to to be fined 1,000 Rupees and in default of payment imprisoned not exceeding six months.

(10.) Collector shall deduct from proceeds of sale 2 Rupees for advertisement, and one per cent. for expense of sale.

(11.) Any person interested in the property may prevent sale by payment of arrears of rent, with interest and expenses.

(12.) The summary process to apply only to arrears which have accrued within one year.

(13, 14.) Any person who disputes the justice of the demand or attachment may, at any time before sale, state his objection to the Collector, and afterwards may petition any Civil Court of competent jurisdiction for redress, and the sale meanwhile shall be stayed. Party petitioning must pay arrear, interest and costs into Court, or give Security.

II. (1. 2.) In case of mutation of title, by act of party or by succession, the transferree shall apply at the Collector's Office, with the original title, and the deed of transfer or other new title, whereupon the change of title shall be registered.

(3.) No change of title shall be registered until the Collector has ascertained that the boundaries are defined by proper landmarks. Registered owner to maintain landmarks, or in default to pay three times the costs of making or repairing them. Officers of Government to have free access to inspect landmarks, &c.

(4.) Establishes Registry Fee of four rupees; one rupee to be paid for inspecting Register, and two for certified extract from Register.

(5.) Registry not to be proof of change of title. No deed to be valid unless it is registered.

I. It is hereby enacted, that from the First day of January, in the year of our Lord 1840, the following Rules shall be in force for regulating the assessment and collection of the rents payable to Government in the Settlements of Prince of Wales' Island, Singapore, and Malacca.

II. And it is hereby enacted, that if any person, except as is provided in the last Section of this Act, shall hold or occupy any land within any of the Settlements aforesaid, not under a grant or title from Government duly registered, and which land has not been declared by competent authority free from assessment, such land shall be liable to assessment, and shall be assessed in such manner, at such rate, and under such conditions, as the Collector acting under the instructions of the Governor of Bengal shall determine.

III. And it is hereby enacted, that if any person holding or occupying land in the manner set forth in the preceding Section, shall refuse to engage for or to remove from the land within one month from the date on which he shall be called upon by the Collector to enter into such engagement, or so to remove from it, by written notice to be served personally, or at the residence of the owner or occupier, or to be stuck up on the premises, it shall be lawful for the said Collector to eject such person from the land so held or occupied, and to take and hold possession of the same on the part of Government, to be disposed of in such manner as the Governor of Bengal may direct. Provided that no person so holding or occupying land who has filed or shall file his claim to exemption from assessment thereon before the day and year aforesaid, shall be liable to be so called upon by the Collector until his claim shall have been determined by competent authority.

IV. And it is hereby enacted, that all Magistrates and Police Officers shall aid and assist the Collector and his Officers in the due exercise of the power of ejectment conferred upon the said Collector by the foregoing Section, and any holder or occupier of land who shall resist or cause to be resisted the exercise of the said power, and any person who shall be aiding and abetting in

such resistance, shall, on conviction before a Magistrate, be punished by fine not exceeding 1,000 Rupees, or, in default of payment of the fine, by imprisonment not exceeding six months.

V. And it is hereby enacted, that after the date on which this Act shall be in force in the Settlement aforesaid, any person desirous of clearing and occupying waste and forest lands for the purposes of Agriculture, shall make application to the Collector of Land Revenue, who is hereby authorized to measure and assess the land, and to grant a lease for the same, in such manner and under such conditions, as the Governor of Bengal may from time to time prescribe. And if, by reason of the density of the jungle or other obstacles, it should be found impracticable to cause immediate measurement to be made of land so to be leased, it shall be competent to the Collector to issue to such applicant a permit or written authority, of which the number, date, and all essential particulars shsll be entered in a Register to be kept for that purpose, to clear and occupy such land, subject to the conditions on which a lease would have been granted. And on all land occupied under any such permit so issued, it shall be lawful for the Collector to demand and enforce the payment of rent in like manner as if a regular lease had been granted. And the Collector shall, with all practicable despatch, cause all land so occupied to be measured, and after such measurement the permit shall be called in and cancelled, and in lieu thereof, a lease shall be issued, the term of which shall commence from the date of the permit. Provided, however, that it shall not be competent, to a Collector to grant any lease of lands for a term exceeding twenty years renewable on such conditions as the Governor of Bengal may direct for a further period of thirty years.

VI. And it is hereby enacted, that upon granting any lease, under the provisions of the foregoing section, the Collector shall require the applicant to set up good and solid landmarks by which the boundaries of the ground to be occupied by him shall be plainly defined; and such landmarks shall be set up to the satisfaction of the Collector to be Certified by him on the back or other part of the lease, before the lease shall take effect, and it shall be a condition in every lease so granted that the lessee is to maintain all such landmarks in substantial repair. And if it shall be proved to the satisfaction of the Collector, that, notwithstanding this

condition, such landmarks have not been kept in good repair, it shall be competent to the Collector to cause the proper repairs to be made, and to levy three times the cost of such repairs from the holder or occupier of the land, the amount to be levied by the process provided for the collection of rents. And the Collector or his Officers shall at all times have the right of free access to such land for the purpose of inspecting and directing the construction or repair of the landmarks; and any person resisting them in the exercise of this right, or removing or defacing any landmark set up in conformity with the provisions of this Act, shall be punished in manner provided in the IV. Section of this Act.

VII. And it is hereby enacted, that all applications to hold or occupy lands for a term exceeding that specified in Section V., for the purpose of erecting houses or other durable works on such lands beyond the limits of the principal towns in the Settlements aforesaid, shall be forwarded by the Collector to the Governor of Bengal, who will grant or reject such applications as in his judgment may seem fit.

VIII. And it is hereby enacted, that every lease granted under the provisions of this Act, shall be signed by the Collector for the time being, and shall specify the name of the leaseholder, the quantity and boundaries of the land included in the lease, and the rate of rent to be paid per acre per annum; which particulars, together with any other conditions material to the rights of Government, and of the party obtaining the lease, shall be entered in a Register to be kept in the Collector's Office for that purpose.

IX. And it is hereby enacted, that it shall be lawful for the Collector to accept on the part of Government, any surrender of a grant or lease by the parties interested in the same for the purpose of sub-dividing the same, and to re-grant or lease the same in parcels. Provided that no such sub-division shall be allowed unless all arrears of rent, under the original grant or lease, are paid up, and provided that on no one portion of a grant or lease so sub-divided, shall a less rent than one rupee per annum be leviable.

X. *Clause First.*—And it is hereby enacted, that whenever the rent of any grant or lease from Government of land within any of the Settlements aforesaid shall fall due, payment thereof

shall be made by the holder or occupier of the land at the Office of the Collector, or to such person as shall be authorized to receive the same, and on failure of such payment, the same may be recovered in the manner following.

Clause Second.—When an arrear of rent shall have become due, the Collector shall demand payment of it by a notice of demand, in writing, stating the amount of the arrear, and requiring payment of the same within fifteen days from the date of the service of the notice, and stating that in default of payment within the period specified, the amount of the arrear due, together with the costs of process, will be recovered under the powers of this Act.

Clause Third.—The notice of demand shall be served by the delivery thereof to any holder or occupier of the land, or by being left at his ordinary place of residence, or by being stuck up on the premises.

Clause Fourth.—For the service of the aforesaid notice one Rupee shall be charged, and shall be leviable, if not paid on demand, in the same manner as arrears of rent.

Clause Fifth.—Whenever an arrear of rent shall be demanded in the manner above prescribed, and shall not be discharged, it shall be lawful for the Collector to issue an attachment, and to seize, by virtue of such attachment, as well the personal property of the holder or occupier as also any effects or any crops to whomsoever belonging which may be found upon the land on account of which the arrear may be due, and to bring the same to sale by public auction at the Collector's Office or elsewhere, five days' previous notice of such sale being stuck up at some conspicuous spot, and at the place where it is intended to bring the crop or other property to sale.

Clause Sixth.—The attachment shall be made by an Officer deputed for the purpose, who shall publicly notify the attachment, and shall set his seal on any property attached, and take an inventory thereof; and it shall be competent to the said Officer to require the assistance of the Police in case of resistance to his authority, or of any attempt to remove the crops or other property from the premises, or otherwise to defeat the process.

Clause Seventh.—For an attachment made in pursuance of the foregoing rules, whether a sale shall actually take place or not,

two Rupees shall be charged, and shall be leviable, if not paid on demand, by the sale of a portion of the attached property.

Clause Eighth.—If an arrear of rent, due as aforesaid, cannot be recovered in manner aforesaid, and the arrear shall not be discharged within six months from the date of the notice of demand prescribed by the Second Clause of this Section, it shall be lawful for the Collector to bring to sale the land on account of which the arrear shall have been demanded, in the manner following.

Clause Ninth.—An advertisement shall be stuck up for not less than twenty days before the sale, in the Collector's Office, and in a Court of Justice situated near to the land, specifying the description of the land, the name of the defaulter, the amount of the arrear, the time and place of the intended sale, and the conditions thereof. The sale shall be conducted by Public Auction, in the presence of the Collector, the highest bidder shall be declared the pusrchaer, and the proceeds of the sale, after deducting the arrear originally due to Government, with interest thereon at 12 per cent. per annum, and any further arrear that may have accrued up to the day of sale, together with the costs incurred by the sale, or other lawful process, shall be paid over to the party or parties entitled. On payment of the purchase-money, the purchaser shall receive from the Collector a title-deed, corresponding in quality and conditions with the original grant or lease, and bearing on it all material specifications relating to the quantity and situation of the land, its boundaries, the rent demandable, the date from which its payment is to commence, and other necessary particulars: and the Collector shall forthwith put the purchaser in possession of the land so transferred, requiring for that purpose the aid of the Police, if needful. The Collector shall notify in the most public manner the result of the sale, the conveyance of the title and right, which were of the defaulter to the purchaser, and the cancelment of the original grant or lease, together with all leases, incumbrances or other interests derived therefrom. And any person wilfully and with fraudulent intent offering for sale, transfer, mortgage, or otherwise making use of any such grant or lease, or of any lease, incumbrance or other interest derived therefrom, and which shall have been so declared to be cancelled, shall, on conviction before a Magistrate, be punished by a fine not exceeding five hundred

Rupees, or in default of payment of such fine, by imprisonment not exceeding four months. And any person resisting or obstructing the Collector or the Officers acting under his orders, whilst placing the purchaser in possession of land so sold for arrears of rent, shall be punished in the manner provided in Section IV. of this Act.

Clause Tenth.—It shall be lawful for the Collector before the payment of any surplus to deduct as part of the costs incurred by the sale two Rupees for the advertisement, and one per cent. on the net proceeds of the sale authorized by the foregoing Clause, to be carried to the credit of Government, for the purpose of meeting the expense of carrying the sale into effect.

Clause Eleventh.—Any person having an interest in any property liable to be sold as aforesaid, shall at any time previous to the sale thereof be enabled to prevent such sale by payment of the rent in arrear, together with interest and all legal expenses incurred to the Collector, who, upon such payment, shall desist from and withdraw all legal proceedings.

Clause Twelfth.—Provided, that the summary process authorised by any of the Clauses of this Section shall be held applicable only to arrears of rent which have become due within the period of one year prior to the execution of such process.

Clause Thirteenth.—Any person served with a notice of demand, or whose crop or personal property may have been seized under an attachment issued in manner aforesaid, who may dispute the justness of such demand or attachment, shall be at liberty, at any time before the sale of his crop or personal property, or, in the event of the land being advertised for sale, at any time, before the sale thereof, to represent his objections to such demand, attachment, or sale, to the Collector; and if the Collector shall, notwithstanding such objections, adhere to the demand, attachment, or sale, it shall be lawful for the said person to apply by petition for redress to any Civil Court competent to take cognizance of his complaint; and the Court, after hearing the Collector's answer, and making such further inquiry as may be necessary, during which the sale of any such crop, property, or land shall be stayed, shall pass judgment either for enforcing or staying the demand, and shall adjudge the costs and charges of the suit, or such portions thereof as may be just and proper, to be paid by the party cast.

Clause Fourteenth.—Provided, that in the case mentioned in the last Clause, no sale of crops, or of personal property, or of land, shall be stayed, unless the party disputing the justice of the demand or attachment shall, on presenting his petition to the Civil Court, deposit therein, or at the Collector's Office, the whole amount of the arrears of rent demanded, together with interest and legal expenses incurred, or unless such party shall give substantial security to the satisfaction of the Civil Court for making good the award that may be ultimately passed in the case.

XI. *Clause First.*—And it is hereby enacted, that all mutations by act of party or by succession in titles to land, taking place after the first day of January in the year of our Lord 1840, shall be registered under the following rules.

Clause Second.—The party claiming by right of transfer or succession shall attend at the Collector's Office, either in person, or by his constituted agent, and shall make application for registering the mutation, producing the original grant or lease, together with the bill of sale or other deed of transfer, which must be made out in the English language, and according to a form which will be found in the Collector's Office, or, in case of successions, the Probate or Letters of Administration, together with the Original Will, if any, or a Copy thereof, after which notice of the mutation shall be registered, the date and other particulars of the transaction being entered in the Register in a clear and distinct form.

Clause Third.—No mutations of title to lands shall be registered until the Collector shall have satisfied himself that the boundaries of the lands have been distinctly defined by convenient and substantial landmarks. The parties whose title to lands may be so registered are required to maintain the landmarks laid down in a state of good and sufficient repair, so that they may be at all times available for the purpose of accurate ascertainment of the limits of each occupancy, and every holder or occupier of such lands, wilfully neglecting to maintain such landmarks in a sound and serviceable condition, shall forfeit a sum equal to three times the cost of the erection or repairs which may become necessary in consequence of such default, and which shall be undertaken by the Collector; the amount of the forfeiture to be levied in like manner as rents are to be collected under the provisions of this Act. And the holders or occupiers of such lands are required to admit free

access to the same by the Officers of Government for the purpose of inspecting the landmarks, and of measuring and laying down boundaries, and any holder or occupier of land, or other persons who shall obstruct or resist such Officers, shall be liable to the penalties prescribed in Section IV. of this Act.

Clause Fourth.—It shall be lawful for the Collector to demand and receive on the part of Government, a fee to meet the charges attending the registry, of four Rupees, and of one Rupee for inspecting the Register, and of two Rupees for granting a Certified Extract from the Register.

Clause Fifth.—The Registry of a mutation shall not of itself be taken to convey or establish any legal title to land, nor shall it be held to corroborate, qualify or bar any rights which may come to be questioned judicially. But no deed whatsoever for the sale or transfer of land, which may be executed after the first day of January in the year of Our Lord 1840, shall be admitted to be valid by the Officers of Government, or be received in evidence as a legal instrument by any Court of Judicature, unless the same shall have been registered in a Collector's Office in the manner directed by this Section, nor shall any Probate or Letters of Administration be received as evidence of title to land until so registered.

XII. And it is hereby provided, that nothing in this Act contained shall apply to such cultivators and resident tenants of Malacca as hold their lands by prescription, subject only to a payment to Government of one tenth part of the produce thereof, whether such payment be made in kind or in the form of a sum of money received by the Government in commutation of the payment in kind.

POST OFFICE ACT.

Act No. XVII. of 1839.

[*Passed on the 1st July*, 1839.

Modifies so much of Sections 6 and 14 of Act XVII., 1837, as fixes Postage Duties according to Shedules A. and B., and empowers the Governor General of India in Council to alter but not increase them.

Repealed by Act No. XVII, 1854.

THUGGEE.

ACT No. XVIII. OF 1839.

[*Passed on the* 15*th July*, 1839.

Person accused of murder by Thuggee, or of unlawfully receiving or buying property stolen or plundered by Thuggee, may be tried in any Zillah.

It is hereby enacted, that any person accused of the offence of murder by Thuggee, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Thuggee, may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits, any thing contained in any Regulation or Regulations to the contrary notwithstanding.

Repealed by Act XVII., 1862.

BOMBAY.—CRIMINAL TRIALS.

ACT No. XIX. OF 1839.

[*Passed on the* 22*nd July*, 1839.

Modifies Clause 5, Section 13, Regulation 13, 1827. Not necessary to refer to the Sudder Foujdaree Adawlut, cases in which the convict is liable to more than two years' imprisonment.

It is hereby enacted, in modification of Clause 5th, Section XIII. of Regulation XIII. of 1827, of the Bombay Code, that all sentences passed by an Assistant Session Judge whereby a convict is liable to imprisonment for a period exceeding two years shall, before they are carried into execution, be confirmed by the Session Judge, whose powers and proceedings in respect of any such case shall be the same as are laid down for the guidance of the Sudder Foujdaree Adawlut in Clause 2nd of the Section and Regulation aforesaid, and it shall not be necessary to refer any such case to Sudder Foujdaree Adawlut.

Repealed by Act XVII., 1862.

BOMBAY.—REVENUE.

ACT No. XX. OF 1839.

[*Passed on the* 29*th July*, 1839.

1. Governor of Bombay may prohibit the levy of hucks and fees and customs by holders of rent-free lands or other persons, and of alienated shares of revenue after its abolition.

2. Legalizes past orders of Governor. Future orders under this Act not to be questioned in Court of Law.

3. Any person levying huck, fee, customs, or revenue, after order to abolish, shall be punishable as for undue exaction under Regulation 17, 1827.

I. It is hereby declared and enacted, that it shall be lawful for the Governor in Council of Bombay to issue orders prohibiting the levy of hucks and fees of every description, and customs, whether by land or sea, enjoyed by holders of rent-free lands or other persons, and of alienated shares of any item of revenue the abolition or relinquishment thereof by Government.

II. And it is hereby enacted, that the legality of any orders which may have been heretofore issued or of any orders which conformably with this Act hereafter shall be issued by the Governor in Council of Bombay prohibiting the levy of any such hucks, or fees, customs, or alienated shares of any such item of revenue as aforesaid, shall not be questioned in any Court of Law.

III. And it is hereby enacted, that whoever shall levy any such huck, fee, customs, or item of revenue after any such order prohibiting the same as aforesaid shall have been published in the Government Gazette of the Presidency of Bombay, and by notice fixed at the post or place at which it has heretofore been claimed, or collected, shall be punishable as for an undue exaction under Regulation XVII. of 1827, Section 16, of the Bombay Code, notwithstanding the offender be not a Revenue Officer of Government.

CALCUTTA AND RIVER HOOGHLY.—JUSTICES OF PEACE.

Act No. XXI. of 1839.

[*Passed on the 26th August*, 1839.

1. Annuls the authority of Justices of the Peace to sentence for felonies under any Bye-Law for Colcutta, and repeals an ordinance passed 16th July 1814, registered in Supreme Court 11th November, same year.

2. Justice of Peace may try persons for simple larceny, if property does not exceed 20 Rupees.

3. But Justice of Peace shall not sentence to more than six months' imprisonment.

4. Justice of Peace may send such simple larcenies for trial to the Supreme Court.

5. Form of Judgment to be used by Justices of Peace in cases of simple larceny.

6. Justice of Peace once every term, and oftener if required, to return his judgments and depositions and examinations to the Supreme Court.

7. Justice of Peace to have witnesses sworn, &c., and to have depositions reduced into writing.

8. Persons refusing to attend or be examined before Justice of Peace, shall be punished by Supreme Court.

9. Justice of Peace may order restitution of stolen property, and impose a fine in case his order of restitution is not complied with, and may imprison in default of payment of the fine.

10. Persons charged with commission of assault or battery on the Hooghly or the mouths thereof, may be tried by Justice of Peace and fined not exceeding 100 Rupees.

11. Saves the right to a Certiorari.

An act for the trial of prisoners charged with the commission of certain petty offences in the town of Calcutta and on the River Hooghly.

Repealed by Act XIII., 1856.

SUPREME COURTS.—PRISONERS' COUNSEL.

Act No. XXII. of 1839.

[*Passed on the 9th September*, 1839.

1. Recites the expediency of extending to India the provisions of 6 and 7 William IV., chapter 114 (The Prisoners' Counsel Act), and enacted that all persons tried in any of Her Majesty's Courts may make full answer and defence by Counsel.

2. Enacts the like in cases of summary conviction by Magistrate within the limits of Her Majesty's Supreme Courts.

3. All persons held to bail or committed to prison entitled to have copies of depositions on payment of a reasonable sum for them, but they must be demanded before the commencement of the Sessions.

4. All persons under trial are entitled at time of trial to inspect, without fee, all depositions taken against them.

An Act for enabling persons charged with offences to make their defence more effectually.

Whereas it is expedient to extend to the Territories under the Government of the East India Company, the provisions of the statute 6th and 7th William IV., Chapter CXIV.

I. It is therefore hereby enacted, that all persons tried for any offence in any of Her Majesty's Courts of Justice shall be

admitted, after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the law, or by Attorney in Her Majesty's Courts of Justice where Attorneys may practise as Counsel.

II. And it is hereby declared and enacted, that in all cases of summary conviction by a Magistrate or Justice of the Peace exercising jurisdiction within the limits of any of Her Majesty's Supreme Courts, persons accused are and shall be admitted to make their full answer and defence and to have all witnesses examined and cross-examined by Counsel or Attorney.

III. And it is hereby enacted, that all persons who after the passing of this Act shall be held to bail, or committed to prison, for any offence against the law for which they are to be tried before any of Her Majesty's Courts of Justice, shall be entitled to require and have on demand (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same) copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same, to be fixed by such Courts respectively. Provided always, that if such demand shall not be made before the day appointed for the commencement of the Sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the Judge at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall nevertheless be competent to such Judge, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

IV. And it is hereby enacted, that all persons under trial in any of Her Majesty's Courts of Justice shall be entitled, at the time of their trial, to inspect, without fee or reward, all depositions or Copies thereof which have been taken against them, and returned into the Court before which such trial shall be had.

Act. XXXVIII., 1850, is entitled An Act to allow Counsel to all persons on the trial of offences and extends the privilege created by this Act to all Courts.

COURTS MARTIAL.

ACT No. XXIII. OF 1839.

[*Passed on the 23rd September*, 1839.

In all cases in which Court Martial may sentence Soldiers of the Native Army to dismissal, such Soldier may be sentenced to be imprisoned not exceeding two years, if sentenced by General Court Martial; not exceeding six months if sentenced by Regimental or Detachment Court Martial, and after imprisonment, such Soldier may be dismissed.

Repealed by Act XXIX., 1861, s. 1.

GANJAM AND VIZAGAPATAM.

ACT No. XXIV. OF 1839.

[*Passed on the 2nd October*, 1839.

1. Repeals Act XXIII. of 1836.
2. Annuls the Rules for the Administration of Civil and Criminal Justice and the Collection of the Revenue in parts of the above districts.
3. Administration of Civil and Criminal Justice, &c., vested in the Collectors of those Districts, as Agents to the Governor of Fort St George.
4. Governor in Council may prescribe Rules for the guidance of such Agent, and determine in what case an Appeal shall lie to the Foujdaree Adawlut.
5. Gives to the Foujdaree Adawlut jurisdiction to decide cases so sent up to it.
6. Appeals from Agents to be tried in same manner as Appeals from Provincial Court.
7. Agents may commit by Warrant subject to Regulations. Commitment must be reported to the Governor in Council.
8. Governor in Council, with consent of the Governor General in Council, may alter the Tract of Jurisdiction under this Act within the aforesaid Districts.

An Act for the Administration of Justice and Collection of the Revenue in certain parts of the Districts of Ganjam and Vizagapatam.

I. It is hereby enacted, that from the First day of December, 1839, Act XXIII. of 1836 shall be repealed.

II. And it is hereby enacted that from and after the said First day of December, 1839, the operation of the Rules for the Administration of Civil and Criminal Justice, as well as those for the collection of the Revenue, shall cease to have effect, except as

hereinafter mentioned, within the undermentioned tracts of country at present included in the districts of Ganjam and Vizagapatam.

In the District of Ganjam.

Zemindaries.

Pauloor, Hoomanah, Becridee, Khullocottah, Pratapagery, Mohery, Vizeyanagur, Hautghur, Bramnorchee, Chegatee, Mundasa, Soorunghi, Jaradah, Jaluntra, Boodara Singhy, Dharacotah, Badagodah, Sareghur, Turlah, Purlah Khinedy.

Aumany Estates.

Goomsur, Sooradah, Askah, Pornary, Coorlaw.

In the District of Vizagapatam.

Ancient Zemindaries.

Vazeanagur, Bobelly.

Hill Zemindaries.

Jayapoor, Coorpam, Sungumirulsah, Chamadoo, Panchepentah, Andra, Saroapully, Bhomararum, Saloor, Mandoogole, Belgam, Maringhy.

Under Aumany.

Paleondah, Golcondah.

III. And it is hereby enacted, that the Administration of Civil and Criminal Justice (including the superintendence of the Police), and the collection and superintendence of the Revenues of every description, within the tracts of country specified in the foregoing Section, which are now included in the District of Ganjam, shall be vested in the Collector of Ganjam, and within those which are now included in the District of Vizagapatam, in the Collector of Vizagapatam, and shall be exercised by them respectively as Agents to the Governor of Fort St. George.

IV. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to prescribe such rules as he may deem proper for the guidance of such Agents, and of all the Officers subordinate to their control and authority, aud to determine to what extent the decision of the Agents in Civil suits shall be final, and in what Suits an appeal shall be to the Sudder Adawlut, and to define the authority to be exercised by the Agents in Criminal Trials, and what cases he shall submit for the decision of the Foujdaree Adawlut.

V. And it is hereby enacted, that upon the receipt of any Criminal trials referred by either of the Agents under the Rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Judge on Circuit.

VI. And it is hereby enacted, that upon the receipt of any appeal from a decree of either of the Agents, under the rules to be prescribed as aforesaid, the Court of Sudder Adawlut shall proceed to try and determine it in the same manner as appeals from the Provincial Courts.

VII. And it is hereby enacted, that each of such Agents as aforesaid shall have the power of making Commitments by Warrant under his hand, which is possessed by the Governor of Fort St. George in Council, by virtue of Regulation II., of 1819, of the Madras Code, provided that the third, fourth, fifth, sixth, and seventh Sections of that Regulation shall remain in force and be applicable to Commitments under this Act. Provided also, that in every case in which either of such Agents shall make any such Commitment, he shall transmit immediately a report to the Governor in Council of Fort St. George for his orders.

VIII. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to make, from time to time, with the previous sanction of the Governor General of India in Council, such alterations in the limits of the Tracts within the aforesaid Districts placed under the jurisdiction of the said Agents respectfully, as he may deem expedient.

Act XXI., 1845, s. 3, authorizes the appointment of an Agent for any of these places.

BOMBAY.—COLLECTOR.—MAGISTRATES.

Act No. XXV. of 1839.

[*Passed on the 25th November*, 1839.

Repeals Regulation 4, 1831, clause 4, Section 11, and clause 3, Section 27 of Regulation 16, 1827; clause 4, Section 16, Regulation 17, 1827; clause 2, Section 8, Regulation 12, 1827, so far as they relate to the penal jurisdiction of

Collectors as Magistrates. Offences specified in the said Sections shall be cognizable by Magistrates, Assistant Magistrates, &c.

An Act for the Presidency of Bombay, limiting the powers of Collectors as Magistrates and Assistant Collectors as Deputy Magistrates in certain cases.

It is hereby enacted, that Regulation IV. of 1831 be repealed, and that Clause 4, Section XI., and Clause 3, Section XXVII., of Regulation XVI. of 1827; Clause 4, Section XVI. of Regulation XVII. of 1827; and Clause 2, Section VIII. of Regulation XII. of 1827, of the Bombay Code, so far as they relate to the penal jurisdiction of Collectors as Magistrates, be repealed. Provided always, that the offences specified in the said Section, viz., Sections XI. and XXVII. of Regulation XVI. of 1827; Section XVI. of Regulation XVII. of 1827, and Section VIII. of Regulation XII. of 1827, shall be cognizable by Magistrates and Assistant Magistrates, under the general powers which are or hereafter may be vested in them by the Acts and Regulations applicable to the Bombay Presidency.

BENGAL.—PUBLIC OFFICERS.

Act No. XXVI. of 1839.

[*Passed on the 2nd December*, 1839.

1. Repeals such parts of Section 10, Regulation 5, 1793; and of Section 10, Regulation 4, 1803 as relate to charges of corruption; also Section 8, Regulation 6, 1793; Section 8, Regulation 5, 1803; clauses 9, 10, 11 and such other parts of Section 9, Regulation 13, 1793, as relate to Covenanted Servants; Section 4 and all the following Sections of Regulation 8, 1806, also Regulation 10, 1806, except so much thereof as relates to security, &c., required; also Regulation 17, 1813; Regulation 8, 1817, and Sections 5 and 6 of Regulation 8, 1825, and all parts of Regulations extending the same.

2. If Court of Sudder Dewanny Adawlut, or Nizamut Adawlut or Sudder Board of Revenue, or Board of Customs, Salt and Opium see substantial grounds for making a formal enquiry into truth of charge of official misconduct in any officer not removeable without the sanction of Government, they shall propose articles for investigation to be submitted to Government of Bengal, &c.

3. Any such charge may be made direct to the said Courts or Boards, who shall examine the complainant upon oath, &c., and require the accused to explain or reply, &c.

4. And such charge may also be made before Judge, Magistrate, &c., for misconduct committed within their jurisdiction, who shall examine the com-

plainant, &c., and transmit the deposition to the said Courts or Boards respectively as the case may, &c.

5. The said Courts or Boards shall not act upon such charge unless the person preferring the same shall make oath or affirmation that he believes the facts to be true.

6 The said Courts and Boards respectively may dismiss any such charge, and submit the same as provided in Section 2 of this Act.

7. The said Courts and Boards may require the person preferring charge to give security for his attendance and for due prosecution thereof.

8. If matters affecting any Officer appear in the course of proceedings before the said Courts or Boards, they may institute enquiry for the purpose of referring the same to the Governor of Bengal, &c.

9. If the Governor of Bengal, &c., upon such reference shall concur with the authority making the reference, or if he deem it necessary to institute proceedings against Officer he shall appoint a Commissioner.

10. Commissioner to be guided by instructions from Governor of Bengal, &c. as to whether he is to act under the control of any other authority.

11. The Commissioner shall take the following Oath. Form of Oath.

12. The Governor, &c., to determine whether the conduct of the prosecution shall be left to the accuser or be undertaken on the part of Government.

13. Commissioner after receiving plaint, &c., shall call upon the accused for hi reply; shall examine witnesses and receive documentary evidence, &c.

14. Commissioner under this Act to be vested with same powers as Zillah and City Courts, except that all compulsory process shall be served through the Zillah or City Judge.

15. At the close of the evidence the accused and accuser may record observations in support of their respective cases.

16. Commissioner to transmit proceedings to Government, with his opinion of the merits of the case.

17. The Governor, &c., may, upon consideration of the Report of Commissioner, direct him to take further evidence, or give further explanation of his opinion, &c.

18. The Court or Board to which any Report of a Commission may be submitted, &c., shall finally submit the whole of the proceedings with their opinion, to the Government.

19. When special Commission is appointed, the Governor, &c., shall determine whether the accused shall be suspended, and if so, whether he shall draw the allowances of his Office.

20. The Governor, &c., will pass such decision as he deems most just, and if he deems it proper, may order accused to be brought to a public trial.

21. This Act not to repeal provisions contained in Section 26, Regulation 5, 1831, and Section 25, Regulation 9, 1833, respecting dismissal, &c., of Principal and other Sudder Ameens and Deputy Collectors. Governor may appoint Commissioner to enquire respecting alleged official misconduct of those Officers.

Repealed by Act XXXVII., 1850.

CALCUTTA.—COURT OF REQUESTS.

ACT No. XXVII. OF 1839.

[*Passed on the* 16*th December*, 1839.

If the Defendent in any suit in any Court of the Zillah of the 24 Pergunnahs retire within the jurisdiction of the Court of Requests, that Court may execute the Decree, if Decree is for a cause of action which would have been originally cognizable by such Court.

An Act for authorizing the Court of Requests for the Town of Calcutta to execute decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the 24 Pergunnahs in certain cases.

Whereas execution of the decrees of the Courts of Justice of the Zillah of the 24 Pergunnahs is often defeated by the parties against whom the same have been obtained absconding from the limits of the said Zillah into the Town of Calcutta; and whereas by Regulation XVI. of 1812, of the Bengal Code, provision is made, where the like inconvenience occurs by parties absconding from the town of Calcutta into the said Zillah, for the Judge of the said Zillah enforcing the Judgments of the Court of Requests of the Town of Calcutta:

It is hereby enacted, that if the defendent in any suit decided by any Court of Justice of the Zillah of the 24 Pergunnahs the Plaintiff in which shall have obtained a decree, shall retire before execution of the same into the jurisdiction of the Court of Requests, that Court, upon receiving a written application from the Judge of Dewanny Adawlut, of the Zillah of the 24 Pergunnahs, setting forth the above circumstances, and accompanied by a copy of the decree duly authenticated, is hereby authorised and directed to proceed to execute the said decree in the mode prescribed for the execution of judgments obtained in the Court of Requests, and on payment of the like costs as are demanded for the execution of such Judgments in ordinary cases. Provided always, that nothing in this Act contained shall be held to authorize the said Court of Requests to execute any decree, except the cause of action in respect of which such decree was obtained were such that if it had occurred within the local jurisdiction of the said Court it would have been cognizable by the same.

By Act IX., 1850, the Small Cause Courts are invested with all the powers before exercised by Courts of Requests.

BOMBAY.—BUILDING ACT.

ACT No. XXVIII. OF 1839.

[*Passed on the* 16*th December*, 1839.

1. Repeals the first twelve articles of Regulation 3, 1812, and the 18th, 25th and all following articles of the same Regulation; also the 1st, 2nd, 5th and 7th articles of Regulation 3, 1815.

2. Persons intending to build within 25 feet of any public road, &c., shall, before commencing, obtain from Collector a Certificate of the ground intended to be used, and from the Surveyor an indorsement on such Certificate of the nature of the work intended.

3. Surveyor shall indorse the Certificate, if he is satisfied that the intended building, &c., are in compliance with the provisions of this Act, &c. Person aggrieved by the withholding of indorsement may appeal to Petty Sessions.

4. Deviation from original plan not to be allowed, without sanction of Surveyor, &c.

5. Building, &c., commenced without certificate, or contrary to, offender shall be fined not exceeding 500 Rupees.

6. Whoever shall alter certificate without sanction of Collector, &c., or alter indorsement, &c., shall be fined not exceeding 500 Rupees, or imprisoned not exceeding 4 calendar months.

7. No building within Bombay, shall be erected higher than 50 feet from surface of street to the roof.

8. No cudjans, or other inflammable material shall be used in external roof or walls, &c. Offenders to be fined not exceeding 500 Rupees.

9. No building shall be erected so as to destroy, injure, &c., the water-courses or drainage of the Island. Surveyor may give notice to discontinue works injurious, &c., to water-courses, &c., and thereupon such work shall be discontinued. Party aggrieved may appeal to Petty Sessions. Persons not discontinuing such works shall be fined not exceeding 500 Rupees.

10. In case the Petty Sessions deem any works will destroy, &c., any of the water-courses or drainage, it shall order their discontinuance and removal, &c. Owner, &c., not obeying such order shall be fined not exceeding 500 Rupees, and work shall be removed by Surveyor.

11. Surveyor may give notice to discontinue work and remove buildings which are not according to the provisions of this Act. And if notice is not complied with, the offender shall be fined not exceeding 500 Rupees. Surveyor may cause work to be removed, and may sell the materials. Party aggrieved may appeal to Petty Sessions.

12. Person rebuilding any building of which any part is within 25 feet of any public road, &c., shall, if required, carry it back and be entitled to compensation.

13. What shall be a rebuilding within the meaning of the last Section.

14. If steps project into any public road, &c., the part covered by such steps, shall not be considered as given up under this Act.

15. Petty Sessions, with sanction of Governor, may require any ground to be given up for purpose of widening, &c., any public road, &c.

16. Wherever ground given up is private property, Surveyor shall value the private interest. Amount shall be offered to the owner, and, if accepted, the Petty Sessions shall become the legal owner of the said ground.

17. If money offered is refused, a jury shall value the property for which compensation is to be given.

18. Sheriff to summon 24 persons, twelve of whom shall be a jury. Persons not appearing, to be fined not exceeding 200 Rupees.

19. Sheriff to be allowed 10 Rupees for his Warrant, and 4 for his Return, and 15 for attending at the Petty Sessions, to be paid out of the County fund if the valuation by the jury exceeds the original offer, and by the party if it is the same or less. Costs which the Petty Sessions may be entitled to receive shall be recoverable like fine or penalty.

20. Compensation under this Act shall be paid out of County fund.

21. In case of conflicting claims to property for which compensation is payable, such compensation shall be paid to Accountant General for the party entitled by judgment of the Supreme Court.

22. Surveyor shall give notice to take down or remove any gallery, balcony, roof, &c., which shall overhang or encroach on any public road, &c.: and if not removed in 15 days, Surveyor may remove it, and sell the materials, and person disobeying the notice shall be fined not exceeding 500 Rupees Party may appeal to Petty Sessions. Tiled roofs, &c., shall be allowed to project 2 feet.

23. Surveyor, with approbation of Petty Sessions, may permit owner, &c., to project tiled roofs from upper Stories to extent of 3 feet over any public street, &c.

24. Surveyor may order any scaffoldings to be masked, persons not obeying such order shall be fined not exceeding 500 Rupees.

25. Tiles of roofs to be properly secured. Occupier not securing tiles after notice, shall be fined not exceeding 500 Rupees.

26. Surveyor may order gutter, &c., for catching water to be made. Non-compliance with order, punishable by fine not exceeding 500 Rupees.

27. If any building near a public street is in ruinous condition, the Surveyor may put up boarding for the safety of passengers, and give notice to occupier to repair, &c., the same, and, if not done, Surveyor may take down, &c., the same, and sell materials; surplus of proceeds after paying expenses, to be paid to owner of house, or if not demanded by him to be added to the County fund.

28. If money produced by sale is insufficient to cover expenses, the deficiency shall be paid out of the County fund, and levied by distress on goods of the offender.

29. Land constituting part of any public road, beyond the town of Bombay, and becoming useless for that purpose, may be taken possession of by Collector under direction of the Governor in Council.

30 Head Builder, &c., offending against this Act, shall be fined not exceeding 500 Rupees.

31. All fines, &c., incurred under this Act, shall be levied by distress warrant under hand and seals of 2 or more Magistrates, and paid to County fund. If no sufficient distress, offender may be committed for not exceeding 3 months.

32. Distress not to be unlawful by reason of irregularity; but party aggrieved may recover for special damage by action on the case.

33. Plaintiff not to recover, if sufficient amends had been tendered before action. Defendant may pay money into Court.

34. No action to be brought for any thing done in pursuance of this Act, until 21 days after notice. Defendant may plead General Issue. Defendant to recover treble costs in case judgment is given for him.

An Act for the Regulation of Buildings in the Islands of Bombay and Colaba.

Sections 2 to 6, 8 to 14, and 22 to 34, were Repealed by Act XIV., 1856, and the Residue by Act VI., 1857.

DOWER.

Act No. XXIX. of 1839.

[*Passed on the* 16*th December*, 1839.

1. Recites expediency of extending the new Dower Act (stat. 3 and 4 W. 4, c. 105) to the Territories of the East India Company. Interpretation of Words of the Act.

2. Widows to be entitled to Dower out of equitable estate.

3. Seizin of the husband not necessary to entitle the widow to Dower.

4. Widow not entitled to Dower out of estates disposed of by husband in his lifetime, or by will.

5. Right to Dower to be subject to estates, interests, and charges created by husband, and also to his debts, incumbrances, contracts, and engagements.

6, 7. Widow barred of Dower by declaration in deed of conveyance to, or any deed by, or will of, husband,

8 Right to Dower may be put under restrictions or conditions, by will of husband.

9. Devise of real estate by husband to widow, shall bar right to Dower, unless a contrary intention appears.

10. Bequest of personal estate of husband to widow shall not bar Dower.

11. Covenant of husband not to bar Dower may be enforced in Equity.

12. Legacies in satisfaction of Dower to have priority before other Legacies.

13. Dower, *ad ostium ecclesiæ* or *ex assensu partis*, abolished.

14. Act not to extend to Widows married before, nor to wills, &c., made before 1st July, 1840.

15. Act only to operate in relation to Dower.

An Act for the amendment of the Law relating to Dower.

Whereas it is expedient to extend the Amendments in the English Law of Dower contained in the statute 3rd and 4th William IV., Chapter CV., to the Territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English Law of Dower as it existed previously to the passing of the aforesaid Statute:

I. It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows, that is to say, the word "Land" shall extend to Messuages, and all other Hereditaments, whether Corporeal or Incorporeal (except such as are not liable to Dower), and to any share thereof, and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

II. And it is hereby further enacted, that when a Husband shall die, beneficially entitled to any Land for an interest which shall not entitle his Widow to Dower out of the same at Law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an Estate of inheritance in possession, or equal to an Estate of inheritance in possession (other than an Estate in joint tenancy), then his Widow shall be entitled in Equity to Dower out of the same land.

III. And it is hereby further enacted, that when a Husband shall have been entitled to a right of entry or action in any Land and his Widow would be entitled to Dower out of the same if he had recovered possession thereof, she shall be entitled to Dower out of the same although her Husband shall not have recovered possession thereof; provided that such Dower be used for or obtained within the period during which such right of entry or action might be enforced.

IV. And it is hereby further enacted, that no Widow shall be entitled to Dower out of any Land which shall have been absolutely disposed of by her Husband in his life time, or by his Will.

V. And it is hereby further enacted, that all partial Estates and Interests, and all charges created by any disposition or Will

of a Husband, and all debts, incumbrances, contracts, and engagements to which his Land shall be subject or liable, shall be valid and effectual as against the right of his Widow to Dower.

VI. And it is hereby further enacted, that a Widow shall not be entitled to Dower out of any land of her Husband, when in the Deed by which such Land was conveyed to him, or by any Deed executed by him, it shall be declared that his Widow shall not be entitled to Dower out of such Land.

VII. And it is hereby further enacted, that a Widow shall not be entitled to Dower out of any Land of which her husband shall die wholly or partially intestate when by the Will of her Husband, duly executed for the devise of Freehold Estates, he shall declare his intention that she shall not be entitled to Dower out of such Land or out of any of his Land.

VIII. And it is hereby further enacted, that the right of a Widow to Dower shall be subject to any conditions, restrictions, or directions which shall be declared by the Will of her Husband duly executed as aforesaid.

IX. And it is hereby further enacted, that where a Husband shall devise any Land out of which his Widow would be entitled to Dower if the same were not so devised, or any Estate or Interest therein, to or for the benefit of the Widow, such Widow shall not be entitled to Dower out of or in any Land of her said Husband, unless a contrary intention shall be declared by his Will.

X. And it is hereby further enacted, that no Gift or Bequest made by any Husband to or for the benefit of his Widow of or out of his Personal Estate, or of or out of any of his Land not liable to Dower shall defeat or prejudice her right to Dower unless a contrary intention shall be declared by his Will.

XI. Provided always and it is hereby further enacted, that nothing in this Act contained shall prevent any Court of Equity from enforcing any covenant or agreement entered into by or on the part of any Husband not to bar the right of his Widow to Dower out of his Lands or any of them.

XII. And it is hereby further enacted, that nothing in this Act contained shall interfere with any rule or equity, or of any Ecclesiastical Court by which Legacies bequeathed to Widows

in satisfaction of Dower are entitled to priority over other Legacies.

XIII. And it is hereby further enacted, that no Widow shall hereafter be entitled to Dower *ad ostium ecclesiæ* or Dower *ex assensu partis.*

XIV. And it is hereby further enacted, that this Act shall not extend to the Dower of any Widow who shall have been or shall be married on or before the First day of July One thousand eight hundred and forty, and shall not give to any Will, Deed, Contract, Engagement or Charge executed, entered into or created before the First day of July, One thousand eight hundred and forty, the effect of defeating or prejudicing any right to Dower.

XV. And it is hereby provided, that this Act shall not be construed to affect any right of property in Land otherwise than by modifying the Law of Dower in cases governed by the English Law of Dower, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

LAW OF INHERITANCE.

Act No. XXX. of 1839.

[*Passed on the* 16*th December*, 1839.

1. Meaning of the words "Land," "The Purchaser," "Descent," "Descendent," "Person last entitled," "Assurance." Words how to be construed with reference to Number and Gender.

2. Descent shall always be traced from the Purchaser. Last owner to be considered to be the purchaser, unless the contrary be proved.

3. Heir entitled under a Will shall take as Devisee. A limitation to a Grantor or his heirs shall create an estate by purchase.

4. Where heirs take by purchase under limitation to the heirs of their ancestors, the Land shall descend as if the Ancestor had been the purchaser.

5. Descent from a Brother or Sister shall be traced through the Parent.

6. Lineal Ancestor may be heir in preference to Collateral persons claiming through him.

7. The Male line to be preferred.

8. The Mother of a more remote male Ancestor to be preferred to the Mother of a less remote Ancestor.

9. Half blood, if on the part of a male Ancestor, to inherit half the whole blood of the same degree, if on the part of a female Ancestor, after her.

10. After the Death of a person attainted, his descendants may inherit.
11. Act not to extend to any descent before the 1st July, 1840.
12. Limitations made before the 1st July, 1840, to the Heirs of a person then living, shall take effect as if this Act had not been made.
13. Act only to extend to Inheritances subject to English Law.

An Act for the amendment of the Law of Inheritance.

Whereas it is expedient to extend the amendments in the English Law of Inheritance contained in the Statute 3rd and 4th William IV., Chapter CVI., to the Territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English Law of Inheritance as it existed previously to the passing of the aforesaid Statute:

I. It is hereby enacted, and the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows (that is to say): The word "Land" shall extend to Messuages, and all other Hereditaments, whether corporeal or incorporeal, and whether Freehold or of any other Tenure, and to money to be laid out in the purchase of land, and to Chattels and other personal property transmissible to Heirs, and also to any share of the same Hereditaments and Properties, or any of them, and to any Estate of Inheritance or Estate for any Life or Lives, or other Estate transmissible to Heirs, and to any Possibility, Right, or Title of Entry or Action, and any other Interest capable of being inherited, and whether the same Estates, Possibilities, Rights, Titles, and Interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "The Purchaser" shall mean the person who last acquired the Land otherwise than by descent, or than by any escheat, partition, or enclosure, by the effect of which the Land shall have become part of or descendible in the same manner as other Land acquired by descent; and the word "descent" shall mean the title to inherit Land by reason of consanguinity, as well where the Heir shall be an Ancestor or Collateral relation, as where he shall be a child or other issue; and the expression "descendants" of any Ancestor shall extend to all persons who must trace their descent through such Ancestor; and the expression "the person last entitled to Land" shall extend to the last person who had a right thereto, whether he did or did not obtain the

possession or the receipt of the Rents and Profits thereof; and the word "assurance" shall mean any Deed or Instrument other than a Will by which any Land shall be conveyed or transferred at Law or in Equity; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

II. And it is hereby further enacted, that in every case descent shall be traced from the Purchaser, and to the intent that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the land shall, for the purposes of this Act, be considered to have been the purchaser thereof unless it shall be proved that he inherited the same, in which case the person from whom he inherited the same, shall be considered to have been the purchaser, unless it shall be proved that he inherited the same, and in like manner the last person from whom the land shall be proved to have been inherited, shall in every case be considered to have been the purchaser unless it shall be proved that he inherited the same.

III. And it is hereby further enacted, that when any Land shall have been devised by any Testator, who shall die after the First day of July One thousand eight hundred and forty, to the Heir or to the person who shall be the Heir of such Testator, such Heir shall be considered to have acquired the Land as a Devisee, and not by descent; and when any Land shall have been limited by any assurance executed after the said First day of July, One thousand eight hundred and forty, to the Person or the Heirs of the Person who shall thereby have conveyed the same Land, such Person shall be considered to have acquired the same as a Purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former Estate or part thereof.

IV. And it is hereby further enacted, that when any person shall have acquired any Land by Purchase under a limitation to the Heirs or to the Heirs of the body of any of his Ancestors, contained in an assurance executed after the said First day of July, One thousand eight hundred and forty, or under a limitation to the Heir or to the Heirs of the body of any of his

Ancestors, or under any limitation having the same effect, contained in a Will of any Testator who shall depart this life after the said First day of July, One thousand eight hundred and forty, then and in any of such cases such Land shall descend, and the descent thereof shall be traced as if the Ancestor named in such limitation had been the Purchaser of such Land.

V. And it is hereby further enacted, that no brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the Parent.

VI. And it is hereby further enacted, that every lineal Ancestor shall be capable of being Heir to any of his issue, and in every case where there shall be no issue of the Purchaser, his nearest lineal Ancestor shall be his Heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal Ancestor, or in consequence of there being no descendant of such lineal Ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal Ancestor to any of his issue, other than a nearer lineal Ancestor or his issue.

VII. And it is hereby further enacted and declared, that none of the Maternal Ancestors of the person from whom the descent is to be traced, nor any of their descendants shall be capable of inheriting until all his Paternal Ancestors and their descendents shall have failed; and also that no female Paternal Ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male Paternal Ancestors and their descendants shall have failed; and that no female Maternal Ancestor of such person, or any of her descendants, shall be capable of inheriting until all his male Maternal Ancestors and their descendants shall have failed.

VIII. And it is hereby further enacted and declared, that where there shall be a failure of male Paternal Ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male Paternal Ancestors, or her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male Paternal Ancestor, or her descendants; and where there shall be afailure of male Maternal Ancestors of such person, and their descendants, the mother of

his more remote male Maternal Ancestor, and her descendants, shall be the Heir or Heirs of such person in preference to the mother of a less remote male Maternal Ancestor, and her descendants.

IX. And it is hereby further enacted, that any person related to the person from whom the descent is to be traced by the half blood shall be capable of being his Heir, and the place in which any such relation by the half blood shall stand in the order of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole blood, and his issue, where the common Ancestor shall be a male, and next after the common Ancestor where such common Ancestor shall be a female, so that the brother of the half blood on the part of the father shall inherit next after the sisters of the whole blood on the part of the father and their issue, and the brother of the half blood on the part of the mother shall inherit next after the mother.

X. And it is hereby further enacted, that when the person from whom the descent of any Land is to be traced shall have had any relation, who, having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such land who would have been capable of inheriting the same by tracing his descent through such relation if he had not been attainted, unless such land shall have escheated in consequence of such attainder before the First day of July One thousand eight hundred and forty.

XI. And it is hereby further enacted, that this Act shall not extend to any descent which shall take place on the death of any person who shall die before the said First day of July One thousand eight hundred and forty.

XII. And it is hereby further enacted, that where any assurance executed before the said First day of July One thousand eight hundred and forty, or the Will of any person who shall die before that time, shall contain any limitation or gift to the Heir or Heirs of any person under which the person or persons answering the description of Heir shall be entitled to an Estate by purchase, then the person or persons who would have answered such description of Heir if this Act had not been made, shall become entitled by virtue of such limitation or gift, whether the

person named as Ancestor shall or shall not be living at the time aforesaid.

XIII. And it is hereby provided, that this Act shall not be construed to affect inheritances of Land, which are not subject to the English law of inheritance, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Indian Succession Act, 1865, is the present Law of Inheritance in cases of Intestacy.

OFFENCES AGAINST THE MINT.

ACT NO. XXXI., OF 1839.

[*Passed on the 23rd December*, 1839.

1. Any person fraudulently clipping, filing, drilling, defacing, or debasing any gold or silver Coin, &c., shall be guilty of felony, and liable to be transported for life or any term of years, or to be imprisoned not exceeding 4 years.
2. Natives of the East Indies, not born of European parents, not to be transported to the Eastern coast of New South Wales or the adjacent Islands.
3. Act to extend only to person and places under the jurisdiction of Her Majesty's Courts.

An Act for remedying certain defects in the Statute 9th, George IV., Ch. 74, relating to the Coin.

Whereas it is expedient to remedy certain defects in the Statute 9th, George IV., Ch. 74, of which the inconvenience is particularly experienced relating to injuries to the Coin:

I. It is hereby enacted, that if any person shall fraudulently clip, file, drill, deface, or debase any current gold or silver Coin issued from any Mint of the East India Company, or usually received as money in any part of the Territories under the Government of the East India Company, with intent to make the Coin so clipped, filed, drilled, defaced, or debased, pass for the current gold or silver Coin so issued, or usually received as money as aforesaid, every such offender shall be guilty of felony, and shall be liable on conviction, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or any term of years, or to be imprisoned for any term not exceeding four years.

II. And it is hereby provided, that it shall not be lawful for any Court under the authority of this Act, to order the transpor-

tation of any person being a native of the East Indies, and not born of European parents, to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.

III. And it is hereby enacted, that this Act, shall extend to all persons and over all places over whom or which the criminal juisdiction of any of Her Majesty's Courts of Justice within the Territories under the Government of the East India Company extends, but not further, or otherwise.

The offences here provided against come within Section 246 of the Indian Penal Code, by which therefore this Act is abrogated.

INTEREST.

Act No. XXXII. of 1839.

[*Passed on the* 30*th December,* 1839.

Upon all debts, &c., the Court may allow interest at the current rate, from the due day when such debts, &c., were payable by virtue of a written instrument or, if payable otherwise, from time of demand of payment and notice that interest will be required.

An Act concerning the allowance of Interest in certain cases.

Whereas it is expedient to extend to the Territories under the Goverment of the East India Company, as well within the jurisdiction of Her Majesty's Courts as elsewhere, the provisions of the Statute 3rd and 4th William IV., Chapter 42, Section 28, concerning the allowance of interest in certain cases:

I. It is therefore hereby enacted, that upon all debts or sums certain payable at a certain time or otherwise, the Court before which such debts or sums may be recovered, may, if it shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise than from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the term of payment; provided that interest shall be payable in all cases in which it is now payable by law. [Act XXVIII., 1855, repeals the Usury Laws but does not affect this Act.]

MADRAS.—FOUJDAREE UDALUT.—FUTWA.

ACT No. I. OF 1840.

[*Passed on the* 27*th January*, 1840.

A Futwa in cases referred to the Foujdaree Udalut not necessary. But nevertheless, case to be determined according to Mahometan Law.

An Act for regulating the Procedure on Trials referred to the Court of Foujdaree Udalut at Madras.

Repealed by Act XVII., 1862.

LEGISLATIVE SECRETARIAT LIBRARY.

COURTS MARTIAL.

ACT No. II. OF 1840.

[*Passed on the* 10*th February*, 1840.

Judge, Magistrate, Sheriff or other Officer in charge of Gaol, to give effect to sentences of Courts Martial, on delivery of the Offender with a Copy of his sentence.

An Act for regulating the execution of sentences of imprisonment passed by Courts Martial in certain cases.

Repealed by Act XXIX., 1861.

BANK OF BOMBAY.

ACT No. III. OF 1840.

[*Passed on the* 17*th February*, 1840.

1. Such persons named in Schedule as have paid up their Capital shall, together with the Governor in Council, &c., be a Corporation by name of the Bank of Bombay.

2. Capital Stock of Bank to be not less than 50 Lacs of Rupees, nor (except, &c.,) more than 56, whereof 3 shall be the property of the Governor in Council. Persons named in Schedule to be proprietors, if their subscribed Stock is paid up before the 1st of April, together with others who may be admitted before the 1st May. Names of those who have not paid up to be cancelled, but not so as to reduce the Stock below 50 Lacs. Lapsed shares to be sold for and passed to credit of Bank.

3. Governor General may authorize the Capital to be increased, allowing the Proprietors 12 months to fill up the Capital among themselves, &c.

4. Shares to be 1,000 Rupees each, and numbered: shares from No. 1 to 300 shall be the property of the Governor in Council.

5. Notification to be made of Government Shares of Stock being paid up, and of names of Proprietors who have paid up. Bank to begin business from date of notification. Bank may sue and be sued by Corporate name, use a Common Seal, and acquire and transfer any description of property.

6. First subscriptions to be paid to Sub-Treasurer of the Government, and by him held as a deposit, until notification, when he will deliver the amount to the Directors.

7. Directors shall deliver a certificate, signed by three, to each Proprietor, either for each share separately or for all his shares, or for any number.

8. No Proprietor to increase his Stock beyond one lac and sixty thousand, except in case of increase of Capital Stock, in which case he may subscribe to increased Stock, in rateable proportion, and except by succession, bequests or marriage.

9. Shares to be personal estate, transferable by endorsement under the hands of the Proprietor or his agent. Endorsement not to be effectual unless registered. Registration to be noted on endorsement.

10. The Corporate body shall consist of the registered Proprietors for the time being.

11. Business of Bank shall be managed by nine Directors, three to be appointed by the Governor in Council, and six by the Proprietors at a General Meeting, and removeable in same manner.

12. Directors of Bank to be three persons appointed by Governor in Council and six by Shareholders. Twelve shares to qualify for office of Director. Shareholders to vote in person or by proxy.

13. Two of the six Directors to go out annually by rotation. Outgoing Directors may be re-elected.

14. In case of death, resignation or absence from Bombay for more than three months, General Meeting to be called to elect a successor.

15. Directors' qualification to be twelve shares. Director of any Bank issuing notes payable on demand not to be a Director.

16. Elections, &c., to be decided by a majority of votes. No person allowed to vote in respect of any Share acquired by transfer, &c., except by act of Law unless transfer made six months before tender of vote.

17. Scale according to which Proprietors shall vote.

18. Governor may vote by proxy, except upon the election or removal of Proprietors and Directors.

19. Proprietors may vote at General Meeting by proxy, either general or special.

20. Directors to choose a President from among themselves, &c., who shall have a casting vote.

21. Three Directors at least necessary to form a Board; Directors to establish a weekly rotation among themselves.

22. All accounts and instruments not under seal, except Cash Notes, shall be signed by three Directors. Bank Seal not to be affixed, except in presence of three Directors, who shall also sign.

23. Directors may appoint Officers to conduct the business of the Bank and to fix the salaries, but the whole establishment not to exceed 6,000 Rupees without the authority of a General Meeting.

24. Secretary, Treasurer, Head Accountant, &c., not to engage in business on his own account as agent.

25. Bank shall be engaged only in the kind of business specified in this Section. Kind of business.

26. Bank shall neither discount, nor make loans, unless it has Cash equal to one-fourth of debts payable on demand.

27. Bank not to discount Security having more than three months to run, nor lend for longer period than three months, nor lend on Bank shares, nor on mortgage, nor on any security having less than two firms or individuals responsible upon it, beyond three Lacs. Advances on Government Securities excepted.

28. Directors to make no loan except as above described, except on deposit of Public Securities to the full amount of the loan, &c.

29. Bank shall not be in advance to Government more than 7½ Lacs.

30. No person to be suffered to overdraw his account.

31. Bank may issue Promissory Notes payable on demand or not exceeding 30 days' sight; but total amount in circulation not to exceed two Crores of Rupees. No notes to be for less than ten Rupees.

32. Bank not to make, &c., any note, &c., payable out of the limits of India.

33. Goods not of a perishable kind may be received in deposit.

34. Bank Books to be balanced on the 30th June and December. Balance sheet to be transmitted to one of the Secretaries of Government, &c.

35. An account of the profits shall be taken on the 1st January and July, and dividend made as soon after as conveniently can, &c.

36. General Meeting to be held first Monday in August for receiving statement of affairs, &c.

37. Three Directors or ten Proprietors may convene a General Meeting upon giving 15 days' notice.

38. Branch Banks may be established with sanction of Governor in Council.

39. Dividends may be retained in payment of debts from Shareholders. Bank may refuse to register transfer of share of person indebted to Bank, and may sell share in satisfaction of debt.

40. Bank as now constituted to continue till April, 1837, but not to be dissolved then or afterwards except upon application or consent of Bank. Privileges to be forfeited if Bank suspends Cash payments.

For the incorporation of a Bank at Bombay—

Whereas the Honorable Court of Directors of the East India Company, by and with the approbation of the Board of Commissioners for the Affairs of India, have sanctioned the establishment of a Bank at Bombay on the same principles as were prescribed for and have been observed in the re-incorporation of the Bank of Bengal, by Act No. VI. of 1839: and whereas the said Court of

Directors have directed the body of Proprietors in existence at the date of the dispatch which contained the said sanction for the incorporation of a Bank of Bombay to be the Proprietors in whose favor the Act of incorporation is to be passed:

I. It is therefore hereby enacted, that from the 1st day of April next ensuing, in the year of our Lord 1840, the persons whose names are included in the Schedule hereunto annexed, provided that they, with the Government of Bombay on the part of the East India Company, have paid up the amount of Capital Stocks subscribed by them respectively, or such of them as have so paid up their subscriptions shall, together with the Governor in Council for the time being of the Island and Presidency of Bombay, be a corporation, body corporate and politic, by name of the Bank of Bombay, with perpetual succession to them and their successors as Proprietors for the time being of the said Bank as hereafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided however that it shall be lawful for the Governor General of India in Council, at any time before the 1st May next, to rectify any errors in the Schedule of the said Proprietors by notice in the Official Gazettes of Calcutta and Bombay, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby enacted, that the Capital Stock of the Bank of Bombay shall in amount not be less than Fifty Lacs of Rupees, nor, unless increased as hereinunder provided more than Fifty-six Lacs, whereof Three Lacs of Rupees shall be the property of the Governor in Council of Bombay and the persons whose names are in the Schedule hereunto annexed, shall, provided that the amount of Stock subscribed for by them to be paid up on or before the 1st April next, be proprietors of the shares of the said Capital Stock set against their names respectively, together with any further persons whose claims shall be admitted before the 1st May next, on their paying up the Stock to which they may be so admitted upon or before the said 1st May next. And if any of the Proprietors named in the said Schedule shall not have duly paid up in full the amount of Capital Stock to which he or they are entitled, the shares of such Stock that may

be so unpaid (provided that the total amount that may so lapse do not reduce the Capital Stock of the Bank below the sum of Fifty Lacs of Rupees) shall be cancelled. And if the lapsed shares cause the aggregate of the Capital Stock to be less than Fifty Lacs of Rupees, then so much Stock as may be necessary to complete that sum, shall be sold by public Auction in Lots of One Thousand Rupees, on such date, not being later than the 1st of May next, as may be fixed by the Governor in Council of Bombay, and the amount realized at such sale, after making good the Capital Stock, shall be passed to credit as a profit at the disposal of the Bank.

III. And it is hereby enacted, that it shall be in the power of the Governor General of India in Council, from time to time, by an order duly published in the Government Gazettes of Calcutta and of Bombay, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of Capital, as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportion of new stock to which they may respectively be entitled; and also to make such order and direction as to him the said Governor General in Council may seem fit, for the disposal of the amount of new stock that may not be subcribed for, and paid up by the Proprietors in the manner and form that may be so prescribed.

IV. And it is hereby enacted, that the Capital Stock of the Bank of Bombay shall be divided into shares of One Thousand Rupees each, which shall be numbered accordingly, and three hundred of the said shares, numbered from No. 1 to 300, shall be the property of the Governor in Council of Bombay, and the remainder shall be the property of the Proprietors who may pay up the same, and no separate interest or share in the Stock of the said Bank of less amount than One Thousand Rupees shall be created or held by any Proprietor, and if at any time the Capital of the said Bank shall be increased, the new Stock added thereto shall in like manner be divided into shares of One Thousand Rupees each, and no Proprietor shall be

entitled to claim a share of such new Stock of less amount than One Thousand Rupees.

V. And it is hereby enacted, than on the said 1st day of April, 1840, or on some early day after that date, the Governor in Council of Bombay shall notify, in the Official Gazette of that Presidency, that the Government share of the Capital Stock of the Bank of Bombay has been paid up, and shall publish in the said Gazette a list of the Proprietors by whom the shares of the said Capital Stock subscribed for by them respectively have been paid, and the Bank of Bombay, being incorporated as above provided, shall, from the date of such notification, be opened for the transaction of all manner of business authorized by this Act; and the said Bank shall and may sue, and be sued, by its Corporate name, and shall and may use such Common Seal as the Directors of the said Bank shall, from time to time, appoint, and shall be competent to acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

VI. And it is hereby enacted, that payment of the amount of subscriptions to the Capital Stock shall be made to the Sub-Treasurer of the Government of Bombay for the time being, who will grant receipts for the same, and hold the amount as a deposit in the Treasury until the publication by the Governor in Council of Bombay of the notification prescribed in Section V. of this Act, when he will deliver the amount so subscribed to the Directors of the Bank to be appointed as hereinafter provided.

VII. And it is hereby enacted, that after the said delivery of the amount of Capital Stock to the Directors of the Bank, the receipts granted by the Sub-Treasurer of the Government of Bombay, in the manner provided in Section VI. of this Act, shall be cancelled, and a certificate, signed by three Directors of the Bank of Bombay, shall be delivered to each Proprietor, and any person who is a Proprietor of more than one share of the Capital Stock may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any mumber of his shares.

VIII. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the amount of One Lac and Sixty Thousand

Rupees, excepting on occasion of any increase being made to the Capital Stock of the said Bank under the authority of the Governor General in Council, in the manner prescribed in Section III. of this Act; in which case any Proprietor holding stock to the full amount of One Lac and Sixty Thousand Rupees shall notwithstanding be entitled to subscribe to the increased Capital Stock in a rateable proportion, and excepting any addition to his interest in the said Capital Stock arises from succession, bequest, or marriage.

IX. And it is hereby enacted, that the said share or shares of the Capital Stock of the said Bank shall be of the nature of personal estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the certificates thereof respectively, under the hand of the Proprietor or Proprietors, or his, her, or their Attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made; provided that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered at the Bank of Bombay, and such registration shall have been noted on such endorsement, under the hand of an Officer appointed for that purpose by the Directors of the said Bank.

X. And it is hereby enacted, that the said Corporate body of the Bank of Bombay shall consist and be composed of the Registered Proprietors for the time being of the said shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removeable by the Governor in Council of Bombay and the remaining six shall be elected by the General Meetting of the Proprietors of the said Bank, and shall be removeable by vote of the majority of a General Meeting of the said Proprietors.

XII. And it is hereby enacted, that the first Directors of the said Bank of Bombay shall be such three persons as may be appointed by the Governor in Council of Bombay to be Directors of the Bank, together with six persons of those whose names are inserted in the Schedule annexed to this Act, and who, being en-

titled to not less than twelve shares or Twelve Thousand Rupees of the Capital Stock of the said Bank, shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule, to be held in the Town Hall of Bombay, at such time as the Governor in Council of Bombay may fix by public notification in the Official Gazette of that Presidency; and the election shall be made by the persons who, according to the Schedule hereunto annexed, may be entitled to shares of the Capital Stock of the Bank, and the said persons shall vote at such election in person or by proxy according to the quantity of Stock respectively held by them, as if they were Proprietors to all intents and purposes of the shares for which they are entitled to subscribe, and the Directors so appointed shall appoint Officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation; and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes, the two Directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

XIII. And it is hereby enacted, that two of the six Directors elected, as provided in Section XII. and to be elected by the Proprietors, shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead; provided always, that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Bombay for more than three months, or disqualification under Section XV., or removal as aforesaid, of any Directors elected as provided in Section XII., or to be elected by the Proprietors after the incorporation of the Bank of Bombay, the Directors shall call a General Meeting of the Proprietors, to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the same place in rotation above mentioned in which the late Director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the Proprietors who shall not be Proprietor in his own right and unincumbered of twelve

shares of 12,000 Rupees of the Capital Stock of the Bank of Bombay; or who shall be a Director of any other Bank issuing Notes payable on demand within the Town or Island of Bombay.

XVI. And it is hereby enacted, that at a General Meeting of the Proprietors every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any share of the said Capital Stock acquired by transfer or purchase or otherwise than by the act of Law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:—

The Proprietor of	4	shares of	1,000 Rs.	shall be	entitled to	1 vote.
„	20	„	„	„	„	2
„	40	„	„	„	„	3
„	60	„	„	„	„	4
„	80	„	„	„	„	5
„	120	„	„	„	„	6
„	160	„	„	„	„	7

And no Proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor of Bombay may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such Meeting, except upon the election or removal of such Directors as are elected by the said Proprietors.

XIX. And it is hereby enacted that any Proprietor or Proprietors entitled to vote at any General Meeting, may give a proxy in writing, either general or special, under his, her, or their hand, or the hand of his, her, or their attorney duly authorized, to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matter or matters as shall be authorized by the tenor of such proxy.

XX. And it is hereby enacted that at the first Meeting of the

Directors in every year, they shall choose a President from among themselves, and if the Office of President shall become vacant, they shall, at their next meeting, choose a successor for the remainder of the current year, and that during any vacancy, or in the absence of the President, the senior Director shall be Vice President for the time, and that such President or Vice President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors, provided always that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXII. And it is hereby enacted that all accounts of the said Bank, and all instruments not under seal, whereby the said Bank can in any manner be bound, except the cash notes of the said Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors such instrument shall be of no validity.

XXIII. And it is hereby enacted that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not, in any one year, exceed 60,000 Rupees, without authority from the General Meeting of the Proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Bombay, shall engage in any other Commercial business, either on his own account, or as Agent for any other person or persons, or act as a Broker for the sale or purchase of Government Securities, and that every person ap-

pointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty, in the sum of 50,000 Rupees.

XXV. And it is hereby enacted, that the said Bank of Bombay shall not be engaged in any kind of business except the kinds of business hereafter specified, that is to say:—

1st. The discounting of Negotiable Securities.

2nd. The keeping of Cash Accounts, including the realization of Dividends and Interest on Government Securities to the credit of Constituents of the Bank.

3rd. Buying and selling of Bills of Exchange payable in India.

4th. The lending of Money on short loans.

5th. The buying and selling of Bullion.

6th. The receiving of Deposits.

7th. The issuing and circulating of Cash Notes and Bank Post Bills.

8th. The selling of Properties or Securities deposited in the Bank as Security for loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security, and make no loan, unless the amount of cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months; and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on Mortgage, or in any other manner on the Security of any Lands, Houses, or immoveable Property, nor on any Negotiable Security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual, or partnership firm, either by way of discount, loan,

or in any other manner (saving by loans upon the deposit of Government Securities, or goods not perishable as hereinafter mentioned), beyond the amount of Three Lacs of Company's Rupees; provided always that the advances upon Bills of Exchange accepted by the Government or upon other Government Obligations, shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the clause next preceding, except on deposit of Public Securities to the full amount of the loan, and which Public Securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bombay, or on deposit of Goods not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one-fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than Seven Lacs and a half of Company's Rupees; provided always that the holding of Government Securities, or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or Obligations derived to the said Bank from individuals, and not overdue, or subscribed and paid for by the Bank, shall not be construed as being in advance to the Government within the meaning of this Clause.

XXX. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not suffer any person or persons, or body corporate keeping cash with the said Bank of Bombay, to overdraw his, her, or their account.

XXXI. And it is hereby enacted, that the said Bank of Bombay may issue Promissory Notes payable either on demand, or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf, provided always that the total amount of such Notes in circulation at any one time shall not exceed Two Crores of Rupees, and provided also that no such Note shall be for a smaller amount than Ten Rupees. [Repealed by Act XIX., 1861, s. 1.]

XXXII. And it is hereby enacted, that it shall not be lawful

for the said Bank to make, issue, or negotiate any Note, Bill, or other instrument containing any promise, undertaking, or order, for the payment of money elsewhere than within the limits of India.

XXXIII. And it is herby enacted, that it shall be lawful for the Directors of the said Bank of Bombay to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the Books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Bombay, and that the Governor in Council of Bombay shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the Directors of the said Bank, on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half-yearly account shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation shall, upon being audited and admitted by the said Directors, be paid out of the funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors; and provided that the said Directors shall have power, when they see fit, to set apart from such profits a sum not exceeding five per cent. on the Capital Stock of the Bank as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held,

at which the Directors of the said Bank shall submit to the said Proprietors a statement of the affairs of the said Bank made up to the preceding 30th of June, and such General Meeting shall be competent to pass resolutions and frame rules and directions relative to the affairs and conduct of the said Bank, which shall be binding on the Directors and Officers of the Bank, and on the Proprietors thereof, until rescinded or modified respectively by any subsequent General Meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank, may at any time convene a General Meeting of the Proprietors, upon giving fifteen days' previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the Official Gazette of Bombay.

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bombay, with the sanction of the Governor in Council of Bombay, to establish Branch Banks at such places, and under such rules and restrictions, as shall be determined by the Proprietors at their General Meetings; provided however that such Branch Bank when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Bombay, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of Notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Bombay by this Act.

XXXIX. And it is further enacted, that if any of the said Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the share or shares of such Proprietors registered as his or her own property, and not as held in trust, or as Executor or Administrator, until payment of such debt, and to apply such dividends towards payment thereof, and that after such demand and default of payment, and notice in that behalf given, either to such Proprietor or his or her constituted Agent, or by public

advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor until payment of such debt, and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor, or his or her lawful representative.

XL. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of April, which will be in the year of our Lord 1847, and shall thereafter continue in like manner until duly dissolved or modified; provided however that after the said 1st day of April, 1847, the said Bank shall not, except upon the application or by the consent of the said Bank, be dissolved, or any wise modified, without previous notice of twelve months at the least being given to the Directors of the said Bank for the time being, of such intended dissolution or modification. Provided also, that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

Schedule of the Names of the Shareholders in the Bank of Bombay.

Ayrton, F.	14	Brought forward,	261	Brought forward,	402
Atkinson, Hugh	5	Ardaseer Hormlusjee Santook	1	Brooks, Colonel G. B.	9
Ashburner, Luke	75	Anundrow Ragoonathjee	2	Barr, Colonel D.	20
Ashburner, George	75	Anundro Gunput Senoy	2	Barr, H. J.	3
Anderson, C. W.	23	Ardaseer Framjee Dawar	5	Barr, J. T.	2
Aganoor, James	1	Ardaseer Byramjee Fuckerjee	2	Byramjee Muncherjee	1
Arnott, F. S.	1	Bagnold, Colonel M. E.	20	Bonamy, Captain J.	23
Allan, Wm.	9	Bax, John	11	Borradaile, H.	23
Asponkerjee, Dossaboy	1	Brown, F. C.	23	Baretto Joao	1
Atmaram Kesson Bhandaree	20	Bainbridge, J. H.	75	Beck, W. W.	1
Aga Mohomed Currim	9			Ball, H.	2
Aga Mohamed Rahim Serazee	23			Bocarro, J. J.	1
Anundrow Vencajee	5			Bird, James	14
				Bruce, W. C.	9
				Brown, F. C.	9
Carried forward,	261	Carried forward,	402	Carried forward,	520

Brought forward, 520
Burt, Thomas William - 14
Burjojee Manockjee Chenae - 2
Bappo Ragoonath Josey - 3
Bhasker, Suderjee - 2
Byramjee, Dadabhoy Cursetjilah - 3
Byramjee, Solabjee Guzdeer - 9
Buchoobhoy Merwanjee - 3
Bowany Sunker Ransord Senoy - 2
Bomanjee Muncherjee Guzurat - 2
Bhimjee Dhunjee Woomrigur - 9
Caujee Chatoor - 14
Cowasjee Manikjee 1
Church, W. - 50
Cowasjee Narrabhoy 5
Cogan, Captain R. - 20
Caldecott, *John - 10
Clibborn, Capt. Thomas - 5
Coghlan, W. - 9
Cardwell, Thomas - 10
Collett, L. A. - 9
Cursetjee Ardaseer - 75
Cursetjee Ardaseer, Trustee to his Daughter - 75
Cursetjee Cowasjee Banajee - 50
Cowasjee Manookjee Billiah - 1
Cowasjee Manookjee Bhaudoop - 75
Cursetjee Cowasjee Bhadoop - 50

Brought forward, 1028

Brought forward, 1028
Cowasjee Hormusjee Mama - 5
Cursetjee Dorabjee - 2
Cursetjee Rustomjee 2
Campbell, Major Neil 9
Cowasjee Dhunjee - 2
Cursetjee Nesserwanjee - 7
Chedanund Dennsejee - 1
Cowasjee Eduljee Mody - 5
Cristnath Narronjee 9
Cowasjee Framjee - 5
Dickenson, Colonel - 23
Dadaboy Rutunjee - 4
Dinshaw Nunabhoy Damon - 5
Davies, J. M. 5
Doveton, Bazett - 18
Dhunjeebhoy Cursetjee - 5
Davidson, F. M. - 20
Dossabhoy Framjee Mama - 5
Dinshaw Furdonjee 9
DeSilva, Mariana - 1
DeJesus, Manoel - 5
Don, James - 9
Deos, Remedies Ignacio 2
Dorabjee Muncherjee 3
Dossabhoy Merwanjee - 5
Dossabhoy Cursetjee Wadia - 5
Dossabhoy Jamsetjee 5
DeSilla, Pascoal M. 10
Dossabhoy, Sorabjee Moonshee - 9
Dossabhoy Jamsetjee Wadia - 5

Carried forward, 1208

Brought forward, 1208
Dent, C. R. - 9
Denhaw Hurmusjee Patell - 2
Dhunjeeboy Merwanjee Wadia - 5
Davidson, Duncan - 2
Dedshaw Rustomjee 3
Denshaw Dadaboy Gandee - 1
Daughters, 6, of 0
Framjee Cowasjee 27
Dadabhoy Pestonjee 75
Egan, J B. - 9
Elliot, A. W. - 2
Eisdale, D. A. - 8
Elliot, G. L. - 9
Earle, Captain E. M. 1
Ennis, Captain E. M. 1
Edmond, Wm. - 18
Eduljee Framjee Coranee 3
Fraser, Simon - 70
Framjee Nanabhoy- 5
Frith, J. G. - 24
Fletcher, Alexander, as Trustee of Messrs. Fergusson, Turner and Co. - 75
Furdonjee Lunjee - 10
Framjee Nasserwanjee - 9
Framjee Ruttonjee - 19
Framjee Cowasjee - 67
Foster, Captain Robert - 9
Framjee Jewajee Gandena - 9
Framjee Muncherjee Colah - 9
Framjee Coonverjee 2
Framjee Nasserwanjee Patell 20

Carried forward, 1711

Brought forward, 1711
Fearon, Colonel P. - 23
Framjee, Cowasjee, Mrs. - 14
Fraser, J. - 18
Fraser, H. B. (C. S.) 14
Gordon, H. G. - 75
Graham, John - 10
Greenhill, David, - 75
Grey, W. S. - 45
Gunput Bapsia Bhandaree - 7
Gama, J. C. - 9
Griffith, Colonel J. G. 7
Gunputron Sudaseerjee, - 2
Gordon, Colonel G. T. 23
Grand Children of Framjee Cowasjee - 18
Hunter, Walter - 29
Hunter, W. F. - 20
Henderson, Capt. W. 50
Henderson, Alex. - 9
Henderson, Dr. - 5
Hyslop, J. - 3
Hurmusjee Perstonjee Bottlewalla - 2
Hormusjee Pestonjee 3
Hemson, John - 1
Howard, Wm. - 10
Hormusjee Monockjee, Major - 2
Hutchinson, Frederick. - 3
Heerjeebhoy Nursungjee - 1
Hebbert, W. G. - 2
Hall, Capt. J. H. - 1
Hollings, Lieut. G. E. 9
Hutt, B., Esq. - 2
Ironside, Hon'ble Edward - 50
Ingle, H. - 3

Carried forward, 2256

Brought forward, 2256
Jehanger Nasserwanjee Wadia - 20
Jameson, Captain G. J. - 5
James, Col. C. B. - 15
Jeejeebhoy Dadabhoy 19
Jeejeebhoy Byramjee 2
Jehangeer Framjee Josawalla - 9
Jehangeer Byramjee 5
Jemetjee Merwanjee Cacah - 2
Jaganath Sunkersett 68
Jehangeer Nesserwanjee Wadia, for his Sister Soneboy 18
Jamsetjee Burjosjee 1
Jehangeer Framjee Cowasjee - 9
Jamardonjee Abbajee 1
Kennett, Capt. V. F. 5
Keshow Runsordjee - 5
Kennett, Col. B. - 9
Kennedy R. H. - 9
Khemchund Hureechund - 5
Khemchund Moteechund - 23
Luis, Thomas - 1
Little, James - 10
Lela Mohun Pasta - 5
Landon, S. - 2
Larkins, J. P. - 23
Lindsay - 22
Le Messurier, A. S. 9
Langford, J. W. - 27
Lodwick, Colonel P. 45
Lowjee Mauncherjee Wadia - 23
Loyola Ge Ignacio - 1
Merwanjee Dadabhoy Wadia - 14

Carried forward, 2668

Brought forward, 2668
Malcolm, Capt. Sir Charles - 10
Moor, Major G. - 20
Mackie, Wm. - 50
Manokjee Nowrojee - 10
Morris, W. R. - 37
Morgan, E. C. - 75
Madoo Narron - 50
Murphy, R. X. - 14
Manockjee Nasserwanjee Petty - 10
Mainwaring, W. - 6
Mant, G. J. - 5
Milne, John, Jr. - 21
McLeod, John - 5
McDonald, J. M. - 25
Muncherjee Framjee Cama - 45
Merwanjee Lunjee - 5
Merwanjee Hormasjee, - 5
Muncherjee Burgorjee Mody - 11
Muncherjee Hormasjee Cama - 11
Merwanjee Khodabux - 23
Morgan, Capt. W. - 18
Manockjee Cursetjee Jewajee - 9
McCallum, Wm. - 9
McMahon, Capt. B. 9
Mackinlay, Cpt. J.H. 36
Munro, C. G. G. - 1
Munmohun Dass Davidass - 18
Manockjee Cursetjee 3
Madowrow Rogoonathjee - 2
Murray, J. - 9
Mackenzie, Rebecca 9
Moyle, J. G. - 9

Carried forward, 3238

Brought forward, 3238
Malvery, J. J. - 4
Moyle, Dr. A. - 9
Manockjee Muncherjee - 1
Manockjee Lunjee - 5
Merwanjee Framjee - 4
Merwanjee Byramjee Luckaree - 1
Merwanjee Aspondiarjee - 9
Miller, John - 45
McLennan, John - 23
Newport, Capt. C. - 50
Nesserwanjee Eduljee Paruck - 2
Nicol, J. D. - 25
Nanabhoy Nowrojee 8
Nesserwanjee Nowrojee - 18
Nowrojee Cowasjee - 2
Nainsey Thackersay- 5
Naylor, Capt. C. J. - 2
Norowjee Rustomjee Nadarshaw - 4
Owen, H. F. - 33
Ogilvie, Col. J. - 30
Owen, Mrs. H. F. (her Trustees) - 15
Orton, J. - 14
Ord, Capt. Richard - 9
Ottley, W. J. - 2
Palanjee Pestonjee - 9
Pollexfen, George - 18
Penley, Capt. G. F. - 5
Patch, James - 61
Patch, John - 5
Powell, Col. Thomas 23
Powell, Col. S. - 18
Pestonjee Framjee - 4
Pestonjee Cursetjee Cama - 2
Pestonjee Dadabhoy Wadia - 8

Carried forward, 3611

Brought forward, 3611
Fellonjee Dhumjee - 5
Phillips, J. L. - 9
Pestonjee Hormusjee Mama - 5
Pestonjee Hormusjee (Andison) - 5
Pestonjee Hormusjee Santook - 1
Preedy, H. W. - 1
Pringle, Capt. A.W.- 9
Poondlick Ramsord Leony - 1
Palonjee Eduljee - 9
Paul, Capt. G. J. C.- 9
Pestonjee Framjee Cowasjee - 9
Pestonjee Rustamjee 5
Pottinger, Col. Henry 20
Premjeewan Anoopdass - 18
Pew, Major G. L. - 68
Prinsep, G. A. - 45
Pursotum Dass Pranjewandas - 27
Richmond, F. R. - 10
Robertson, Col. Archibald - 75
Robertson, Major H.D. 15
Robertson, Henry Morres 23
Roberts, Walter - 10
Ross, John - 18
Ragoonath Crustna Jesoy - 4
Rowland, Capt. J. H. 23
Rose, Capt. W. - 5
Robson, Thomas - 1
Rustamjee Sorabjee-Mody - 1
Ruttunjee Dadabhoy Cola - 54

Carried forward, 4096

Brought forward 4096
Ruttunjee Cursetjee - 3
Rogaba Jeemajee - 5
Roganath Aurreechundie - 5
Rogoonath Samoo Senoy - 2
Rustomjee Hormusjee Cama - 1
Reynolds, P. A. - 9
Santokàjee Nanabhoy 5
Spiller, Major W. - 10
Scott, Dr J. - 5
Spratt, Captain W. - 14
Samauson, Capt. J. 24
Skinner, John - 50
Stuart, G. A. - 9
Sorabjee Cowasjee - 9
Sinclair, James - 40
Simson, Wm. - 20
Salter, General James F. - 27
Smyttan, George - 18
Scott, John - 9
Succaram Rogoonath Jasry - 2
Sorabjee Rustamjee - 8
Sorabjee Dorabjee .3
Sapoorjee Sorabjee Patell - 2
Seitz, Mrs. M. A. R. 1
Seton, Capt. Bruce 9
Saunders, Capt. J. - 2
Sorabjee Eduljee Majoma - 3
Sunker Venoo Senoy 1
Smith, Robert - 50
Saunders, Frederick 3
Sauncklol Virzoll - 9
Simson, J. B. - 19
Stubbs, W. - 9
Stewart, C. S. - 23
Stewart, Alexander 5

Carried forward, 4520

Brought forward,	4520	Brought forward,	4716	Brought forward,	4907
St. John, Robert	1	Willoughby, J. P.	25	Watson, H. B.	3
Sutherland, G.	3	Wood, Col. E. M.	20	Watson, J. W.	9
Tarah Suxumah	5	Wood, Col. E. M. (as Trustee for Mrs. H. Morgan)	30	Wiltshire, Colonel Thomas	68
Tamer, Thomas	4	Wuckutchund Coosshalchund	27	Wight, Robert	9
Turner, Capt. W.	4	Wathen, W. H.	25	Ward, Mary Ann	11
Tarrachaund Vassoonjee	5	Williamson, Thomas	38	Watkins, F. W.	5
Thompson, W.	27	Whitehill, Colonel Stephen	18	Wilson, J. H., Captain	5
Truscott, C. H.	45	Wassodew Wissoa Nathjee	5	Wilson, P. P., Lieut.-Col.	2
Tyler, W. H.	18	Wittoba Wassodewjee	1	Waddington, Capt. C.	45
Valiant, Colonel T.	9			Weeks, F. P.	9
Vaughan, J., Esq.	18			Warden, John	9
Venerajee Mirjee	14			Young, D. A.	18
Vebart, John	18				
Wright, J.	25				
Carried forward,	4716	Carried forward,	4907	Total	5090

NOTE.—In the event of the death before the 1st April, 1840, of any individuals in the above Schedule, the shares against their names shall be the property of their Estates.

BENGAL.—AFFRAYS.

ACT No. IV., OF 1840.

[*Passed on the* 17*th February*, 1840.

1. Repeals Regulation 49, 1793; Regulation 14, 1795; Regulation 32, 1803; Section 5, Regulation 6, 1813; Regulation 15, 1824; Regulation 2, 1829; and so much of any Regulation extending the above, &c.

2. If Magistrate is certified of a probable breach of peace, from dispute concerning any Land, Water, &c., he shall record a proceeding, &c., and call all parties concerned to attend his Court, &c., and state their claims, &c., Magistrate, without reference to the merits, shall ascertain who was in possession and declare him entitled to retain, until duly ousted, &c.

3. Magistrate if unable to satisfy himself as to who was in possession, may attach the subject of dispute until the rights are determined, &c.

4. Magistrate to summon parties complained against for having taken forcible possession: party complaining to be restored, if complaint is substantiated until the right is determined.

5. In case of newly-formed Land whereof no one ever had possession Magistrate shall award possession to party entitled.

6. Disputes concerning use of Land are to be decided in like manner, subject to trial of right of user. Magistrate not to interfere unless right has been exercised within three months, &c.

7. Persons opposing by force the execution of orders under this Act, &c, and persons aiding and abetting, &c., to be imprisoned not exceeding six months, or fined not exceeding 200 Rupees, commutable to imprisonment not exceeding six months.

8. Orders under this Act may be appealed against, &c.

9. Magistrate, with consent of parties, may refer the matter in dispute to arbitration.

10. This Act not to affect the legal exercise of right of attachment or seizure.

11. Act not to extend beyond Presidency of Fort William, nor to Straits' Settlements, nor to place within local limits of Supreme Court.

An Act for preventing Affrays concerning the possession of Land, and for providing relief in cases of forcible dispossession, within the Presidency of Fort William in Bengal.

Whereas it is expedient to remove doubts which have arisen upon the interpretation of Regulation XV. of 1824, and to amend the Law for preventing Affrays concerning the possession of Land and for giving relief in cases of forcible dispossession, and to extend it to cases not hitherto provided for, and to make it applicable to persons of every class or description, whether British-born subjects or others.

I. It is hereby enacted, that Regulation XLIX. of 1793, Regulation XIV. of 1795, Regulation XXXII. of 1803, Section 5, Regulation VI. of 1813, Regulation XV. of 1824, and Regulation II. of 1829, of the Bengal Code, together with so much of any Regulations as extends any of the above Regulations or parts of Regulations to any places within the Presidency of Fort William in Bengal, be repealed.

II. And it is hereby enacted, that whenever any Magistrate or other Officer exercising the powers of a Magistrate may be certified that a dispute likely to induce a breach of the peace existing concerning any Land, Premises, Water, Fisheries, Crops, or other produce of Land, within the limits of his jurisdiction, he shall record a proceeding, stating the grounds of his being so certified, and shall call on all parties concerned in such dispute (whether Proprietors, Dependent Talookdars, Farmers, Under Farmers, Ryots or other persons), to attend his Court in person, or by agent, within a reasonable time, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute. And the Magistrate or other Officer as aforesaid shall, without reference to the merits of the

claims of any party to a right of possession, proceed to inquire what party was in possession of the subject of dispute when the dispute arose, and after satisfying himself upon that point, shall record a proceeding declaring the party whom he may decide to have been in such possession to be entitled to retain possession until ousted by due course of Law, and forbidding all disturbance of possession until such time; and, if necessary, the Magistrate, or other Officer as aforesaid, shall put such party into possession, and maintain him in possession, until the rights of the parties disputing be determined by a competent Court.

III. And it is hereby enacted, that if the Magistrate or other Officer as aforesaid, shall, in the cases mentioned in Section II. of this Act, be unable to satisfy himself as to what party was in possession of the subject of dispute when the dispute arose, he may attach the subject of dispute until the rights of the parties be determined by a competent Court, giving the Collector information of the attachment; and if the subject of dispute be Land, the provisions of Regulation V. of 1827, regarding attachment by order of a Zillah or City Court shall apply to attachments by order of a Magistrate, or other Officer as aforesaid, made under this Section.

IV. And it is hereby enacted, that if any party shall complain to a Magistrate, or other Officer as aforesaid, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops, or other produce of Land within the jurisdiction of such Magistrate, or other Officer as aforesaid, whether the same were possessed by such party as Proprietor, dependent Talookdar, Farmer, Under Farmer, Ryot or, otherwise, the Magistrate, or other Officer as aforesaid, shall require the party or parties complained against, and any other parties concerned to appear and make defence in person or by agent within a reasonable time, and if after the examination of the necessary witnesses and documents, the complaint appears to him to be substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent Court, provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim, within one month from the time of such dispossession.

V. And it is hereby enacted, that if, in cases instituted under this Act, the subject of dispute be newly formed Land, whereof it shall appear to the Magistrate, or other Officer as aforesaid, that no party has ever had possession, the Magistrate or other Officer as aforesaid, shall award possession to the party to whom the right of possession belongs according to law or custom, and shall maintain that party in possession until the right to possession be determined by a competent Court.

VI. And it is hereby enacted, that if a dispute arises concerning the right of use of any Land or Water, the Magistrate or other Officer as aforesaid within whose jurisdiction the subject of dispute lies, may inquire into the matter, and if it shall appear to him that the subject of dispute was open to the use of the public, or of any person, or of any class of persons, the said Magistrate or other Officer may order that possession thereof shall not be taken or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession. Provided that the Magistrate, or other Officer as aforesaid, shall not pass any such order as aforesaid, if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the inquiry, or in cases where the right of use exists at particular seasons unless such right has been exercised without discontinuance before the dispossession of which complaint is made.

VII. And it is hereby enacted, that any person opposing by force the execution of an order for possession or use, given under this Act, or refusing obedience thereto, or knowingly contravening the same, as long as it shall remain in legal force, shall, together with all persons aiding and abetting, be liable, on conviction before a Magistrate or other Officer with the powers of a Magistrate, to be sentenced to simple imprisonment for a term not exceeding six months, or to fine not exceeding two hundred Rupees, commutable if not paid, to a period of simple imprisonment not exceeding six months, or to both imprisonment and fine as aforesaid.

VIII. And it is hereby enacted, that all orders passed under

this Act shall be appealable in the usual manner under the Regulations and Laws that are or may be in force relating to appeals from the orders of Magistrates or other Officers exercising the powers of Magistrates.

IX. And it is hereby enacted, that in cases instituted under this Act the Magistrate or other Officer as aforesaid is authorised, with the consent of all the parties, to refer the matter in dispute, so far as it is cognizable under this Act, to an arbitrator or arbitrators for decision, whose award shall be executed as if it were the award of such Magistrate or other Officer as aforesaid.

X. And it is hereby provided, that nothing in this Act contained shall affect the legal exercise of any right of attachment or seizure vested by law in any parties.

XI. And it is hereby further provided, that this Act shall not extend to any place beyond the limits of the Presidency of Fort William in Bengal, or to the Settlements of Prince of Wales' Island, Singapore, or Malacca, or to any place situated within the local limits of the jurisdiction of Her Majesty's Supreme Court at Calcutta.

By Acts XV., 1843, and XXVII., 1845, the powers given by this Act may be exercised by other Officers besides Magistrates.

Repealed by Act XVII., 1862, as to parts where the Code of Criminal Procedure is in operation.

JUDICIAL OATHS.

ACT No. V. OF 1840.

[*Passed on the 24th February,* 1840.

1. Instead of Oath or Declaration now in use, Hindoos and Mahometans may make affirmation. Form of affirmation.
2. False affirmation punishable as Perjury.
3. Procuring false affirmation, punishable as subornation of Perjury.
4. Act not to extend to Declaration under Act XXI., 1837, nor to Her Majesty's Courts.

An Act concerning the Oaths and Declarations of Hindoos and Mahometans.

Whereas obstruction to justice and other inconveniences have arisen in consequence of persons of the Hindoo or Mahometan persuasion being compelled to swear by the water of the Ganges, or upon the Koran, or according to other forms which are repugnant to their consciences or feelings :

I. It is hereby enacted, that except as hereinafter provided, instead of any oath or declaration, now authorized or required by law, every individual of the classes aforesaid within the Territories of the East India Company shall make affirmation to the following effect :—

" I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth." [Addition made by Act 18, 1863, s. 9.]

II. III. Repealed by Act XVII., 1862.

IV. And it is hereby provided, that this Act shall not extend to any Declaration made under the authority of Act No. XXI. of 1837, nor to any declaration or affirmation made in any of Her Majesty's Courts of Justice. [Construed by Act II., 1847, and Repealed by Act XVIII., 1863, s. 9.]

BILLS OF EXCHANGE.

Act No. VI. of 1840.

[*Passed on the 2nd March,* 1840.

1. Acceptance to be deemed a general acceptance unless it is expressed to be payable at a place specified " only," or " not otherwise or elsewhere."

2. Acceptance insufficient unless it is written on the Bill.

3. Bill accepted supra protest for honor, &c., needs not be presented to the acceptor for honor till the next day after it is due, or the day after that, if the acceptor for honor, &c., resides in a different place from where the Bill is made payable.

4. Bills expressed by the drawer to be payable in any other than the place of residence of the drawee, may, if not accepted, be immediately protested for non-payment in the place where they are expressed by the drawer to be payable.

5. Bill or note made or given for a usurious consideration not to be void in hands of indorsee, unless he had actual notice of the usury.

6. Act not to affect Bills or Notes which are not governed by the Law of England.

An Act for the Amendment of the Law concerning the negotiation of Bills of Exchange.

Whereas it is expedient to extend to the Territories under the Government of the East India Company the amendments of the Law respecting Bills of Exchange contained in the Statutes 58, Geo. 3, Cap. 93.—1 and 2 Geo. 4, Cap. 78.—6 and 7 W. 4, Cap. 58.—2 and 3 W. 4, Cap. 98:

I. It is hereby enacted that from and after the First day of May, in the year of our Lord 1840, if any person shall accept a Bill of Exchange, payable at any other place than at his own place of residence without further expression in his acceptance, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance. But if the acceptor shall, in his acceptance, express that he accepts the Bill payable at such other place only, and not otherwise or elsewhere, such acceptance shall be deemed and taken to be, to all intents and purposes, a qualified acceptance of such Bill, and the acceptor shall not be liable to pay such Bill, except in default of payment, when such payment shall have been duly demanded at such other place.

II. And it is hereby enacted, that after the day and year aforesaid no acceptance of any Bill of Exchange drawn within the Territories of the East India Company shall be sufficient to charge any person unless such acceptance be in writing on such Bill, or, if there be more than one part of such Bill, on one of the said parts.

III. And it is hereby enacted, that it shall not be necessary to present Bills of Exchange accepted supra protest for honor, or having a reference thereon in case of need to the acceptors for honor, or to the referee or referees, until the day following the day on which such Bills of Exchange shall become due, and if the place of address on any such Bill of Exchange of such acceptor or acceptors for honor, or of such referee or referees be other than where such Bill shall therein be made payable, then it shall not be necessary to forward such Bill of Exchange for presentment for payment to such acceptor or acceptors for honor, or referee or referees, until the day following the day on which such Bill of Exchange shall become due.

IV. And it is hereby enacted, that all Bills of Exchange, wherein the drawer or drawers thereof shall have expressed that

such Bills of Exchange are to be payable in any place other than the place by him or them therein mentioned to be the place of residence of the drawee or drawees thereof, and which shall not on the presentment thereof be accepted, shall or may be, without further presentment to the drawee or drawees, protested for non-payment in the place in which such Bills of Exchange shall have been by the drawer or drawees expressed to be payable, unless the amount owing upon such Bills of Exchange shall have been paid to the holder or holders thereof on the day on which such Bill would have become payable had the same been duly accepted.

V. And it is hereby enacted, that no Bill of Exchange or Promissory Note that shall be drawn or made after the passing of this Act shall, though it may have been given for a usurious consideration, or upon a usurious contract, be void in the hands of an Indorsee for valuable consideration, unless such Indorsee had, at the time of discounting or paying such consideration for the same, actual notice that such Bill of Exchange or Promissory Note had been originally given for a usurious consideration, or upon a usurious contract.

VI. And it is hereby provided, that this Act shall not be construed to extend to affect Bills of Exchange or Promissory Notes in any case which, but for the passing of this Act, would not be governed by the Law of England, or to extend or alter the Jurisdiction of any of Her Majesty's Courts of Justice.

BENGAL.—JUDICIARY UNCOVENANTED SERVICE.

ACT NO. VII. OF 1840.

[*Passed on the* 30*th March*, 1840.

Courts of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad may assign to uncovenanted persons appointed to the Offices of Deputy or Assistant Registrar, any duties of the Registrar.

An Act for authorising the appointment of Uncovenanted Servants to the Offices of Deputy Registrar and Assistant Registrar to the Sudder Courts of the Presidency of Fort William, in Bengal.

It is hereby enacted, that whenever the Governor of Bengal and the Lieutenant-Governor, or other authority exercising the powers

of Lieutenant-Governor of the North-Western Provinces, shall deem it expedient to appoint any persons, not being Covenanted Servants, to the Offices of Deputy Registrar or Assistant Registrar to the Court of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad respectively, it shall be competent to those Courts to assign to the Officers above-named any duties at present performed by their Registrars.

MADRAS.—PUNCHAYET.

ACT NO. VIII. OF 1840.

[*Passed on the* 13*th April*, 1840.

Award signed by a majority of a Punchayet valid; the minority entitled to record their reasons for declining to sign it.

An Act concerning the signing of Awards by the Members of Punchayets.

It is hereby enacted that in cases where the minority of the Members of a Punchayet, held under the provisions of the Madras Code, may decline to sign the award of the Punchayet, the signature or mark of the majority shall be sufficient to give legal validity to the award. Provided always, that in such cases, it shall be incumbent on such majority to admit the minority to record and attest, by their mark or signature, their reasons for declining to sign or mark the award passed by the majority.

SUPREME COURT.—LAW AMENDMENT.

ACT NO. IX. OF 1840.

[*Passed on the* 20*th April*, 1840.

1. Extends part of 3 & 4, W. 4, Cap. 42, viz. Sections, 26, 29, 39, 40, 41, to the Territories of the East India Company. If witness is objected to on the ground that the Verdict or Judgment would be admissible in evidence for or against him witness may be examined and verdict, &c., shall not be admissible for or against him.

2. Besides damages in trover, trespass *de bonis asportatis*, and in actions on policies of insurance, interest may be recovered.

3. Power of arbitrator not revocable, if the submission contained an agreement that it might be made a rule of Court.

4. A Judge may order attendance of witnesses before arbitrator and production of documents. Witnesses to be paid conduct money.

5. Arbitrator my administer oath, &c., to witnesses.

When Act shall take effect.

An Act for amending the law administered in Her Majesty's Courts of Justice with reference to Arbitrations, Damages, and interested Witnesses.

Whereas it is expedient to extend to the Territories of the East India Company certain provisions of the statute 3rd and 4th William IV., Chap. 42, whereby remedies have been applied for the uncertainty and imperfections heretofore incident to Arbitrations, for the insufficient damages to which injured parties were limited by the technical forms of certain actions, and for the obstruction to justice frequently occasioned by reason of the legal incompetency of witnesses to give evidence, in consequence of having some interest in the event of the suit to which their testimony relates:

I. It is hereby enacted, that, in order to render the rejection of witnesses on the ground of interest less frequent, if any witness shall be objected to in any of Her Majesty's Courts of Justice as incompetent on the ground that the verdict or judgment in the action on which it shall be proposed to examine him would be admissible in evidence for or aginst him, such witness shall nevertheless be examined, but in that case a verdict or judgment in that action in favor of the party on whose behalf he shall have been examined shall not be admissible in evidence for him or any one claiming under him, nor shall a verdict or judgment against the party on whose behalf he shall have been examined be admissible in evidence against him or any one claiming under him.

II. And it is hereby enacted, that the Court, on the trial of any issue, or on any inquiry of damages, in any suit before any of Her Majesty's Courts of Justice may, if it shall think fit, give damages in the nature of interest over and above the value of the Goods at the time of the conversion or seizure in all actions of trover or trespass *de bonis asportatis*, and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act.

III. And it is hereby enacted, that the power and authority of any arbitrator or umpire appointed by or in pursuance of any rule

of Court, or Judge's order, or order of reference, in any action now brought or which shall be hereafter brought, or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of any of Her Majesty's Courts, shall not be revocable by any party to such reference without the leave of the Court by which such rule or order shall be made, or which shall be mentioned in such submission, or by leave of a Judge, and the arbitrator or umpire shall, and may, and is hereby required to proceed with the reference, notwithstanding any such revocation, and to make such award, although the person making such revocation shall not afterwards attend the reference, and that the Court, or any Judge thereof may from time to time enlarge the term for any such arbitrator making his award.

IV. And it is hereby enacted, that when any reference shall have been made by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the Court by which such rule or order shall be made, or which shall be mentioned in such agreement, or for any Judge by rule or order to be made for that purpose, to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and the disobedience to any such rule or order shall be deemed a contempt of Court, if, in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the Arbitrators, or by Umpire, before whom the attendance is required, shall also be served either together with or after the service of such Rule or Order: Provided always that every person whose attendance shall be so required, shall be entitled to the like conduct money and payment of expenses, and for loss of time as for and upon attendance at any trial: Provided also, that on the application made to such Court or Judge for such Rule or Order shall set forth the place where such witness is residing at the time, or satisfy such Court or Judge that such person cannot be found: Provided also, that no person shall be compelled to produce, under any such Rule or Order, any writing or other document that he would not be compelled to produce at a trial or to attend at more than two consecutive days to be named in such Order.

V. And it is hereby enacted, that when in any Rule or Order

of reference, or in any submission to arbitration containing an agreement that the submission be made a rule of Court, it shall be ordered or agreed that the witness upon such reference shall be examined upon oath, it shall be lawful for the Arbitrators or Umpire, or any one Arbitrator, and he or they are hereby authorized and required to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of oath, and if, upon such oath or affirmation, any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

VI. And it is heaeby enacted, that this Act shall take effect in Calcutta from the day of its passing, and at Madras and Bombay after the expiration of thirty days from such day, and in the Straits' Settlements after the expiration of sixty days from such day.

JUGGERNATH.—PILGRIM TAXES.

Act No. X. of 1840.

[*Passed on the 20th April,* 1840.

1. Recites the propriety of abolishing Pilgrim Taxes and repeals so much of Section 31, Regulation 12, 1805, Section 4, Regulation 27, 1793, as provides for their continuance; also Regulation 4, 1806, Regulation 5, 1806, Section 9, Regulation 6, 1808, Regulation 4, 1809, Section 4, Regulation 4, 1810, Regulation 11, 1810, and Regulation 18, 1810.

2. Saves the authority of the Rajah of Khoorda over the Temple of Juggernath, subject to the rules, &c., of the Temple, and to ancient usage.

3. The Rajah of Khoorda not to receive or allow to be received any other than voluntary offerings.

4. Rajah, &c., liable to be sued for breach of trust or official misfeasance.

An Act for the abolition of certain Pilgrim Taxes, and for the superintendence of the Temple of Juggernath.

Whereas it is considered proper to abolish the exaction of all taxes or fees upon Pilgrims resorting to Allahabad, Gya, and Juggernath, and to transfer the charge of the affairs of the Juggernath Temple exclusively to a competent Hindu Superintendent, under a full responsibility to the established Courts of Justice for the redress of any violence or wrong, upon the application of any party interested:

I. It is hereby enacted, that so much of Section 31, Regulation XII. of 1805, as provides for the continuance of the duties levied from Pilgrims at Juggernath;

So much of Section 4, Regulation XXVII. of 1793, as provides for the continuance of the duties levied on Pilgrims at Gya and other places of Pilgrimage;

Regulation IV. of 1806, Regulation V. of 1806, Section 9, Regulation VI. of 1808, Regulation IV. of 1809, Section 4, Regulation IV. of 1810, Regulation XI. of 1810, Regulation XVIII. of 1810, are repealed.

II. And it is hereby enacted, that the superintendence of the Temple of Juggernath, and its interior economy, the conduct and management of its affairs, and the control over the Priests, Officers and Servants attached to the Temple, shall continue vested in the Rajah of Khoorda for the time being; provided always, that the said Rajah, and all persons connected with the said Temple shall on all occasions be guided by the recorded rules and institutions of the Temple, or by ancient and established usage, so far as the same may be consistent with the provisions of this Act.

III. And it is hereby enacted, that the said Rajah of Khoorda shall not receive or allow to be received by any person connected with the said Temple, any payment, other than such voluntary donations as may be freely offered, from any person resorting to the said Temple, for the performance of religious ceremonies.

IV. And it is hereby declared and enacted, that the said Rajah, and all Priests, Officers, and Servants attached to the said Temple, are and shall be liable to be sued or prosecuted by any party interested, in any Civil or Criminal Court of competent jurisdiction, for any breach of trust, or official misfeasance, committed in the conduct of their duties, or for any extortion or illegal violence exercised upon Pilgrims or others under colour of the authority conveyed by this Act.

BOMBAY.—CRIMINAL LAW.—CONVICTS.

ACT NO. XI. OF 1840.

[*Passed on the* 20*th April*, 1840.

1. Modifies Clause 2, Section 45, Regulation 13, 1827. No prisoner to be forced to labor, or be confined solitarily, unless sentence expressly so directs.

2. Modifies Clause 1, Section 7, Regulation 14, 1829. Sentence to imprisonment and labor may also direct solitary confinement.

3. Act not to apply to convicts undergoing punishment of transportation, nor to persons under restraint, &c., for breaches of prison discipline.

An Act for the Presidency of Bombay, amending the law concerning Prisoners sentenced to labor or solitude.

I. It is hereby enacted, in modification of Clause II., Section XLV., Regulation XIII. of 1827, of the Bombay Code, that no Prisoner confined in any part of the Provinces under the Presidency of Bombay shall be forced to labor in any manner or be confined solitarily, unless such labor or solitary confinement be expressly directed by the sentence of the Court under whose warrant he is confined, and no Prisoner shall be forced to labor or be confined solitarily otherwise than according to his sentence.

II. And it is hereby enacted, in modification of Clause I., Section VII., Regulation XIV. of 1829, of the Bombay Code, that wherever under the Laws in force under that Presidency, a prisoner may be sentenced to imprisonment with labor, it shall be lawful for the Court pronouncing such sentence to direct that solitary confinement be combined with the punishment of imprisonment with labor. [Repealed by Act XVII., 1862.]

III. And it is hereby provided, that nothing in this Act contained shall be construed to be applicable to Convicts undergoing the punishment of transportation, or to legal restraint or punishment for breaches of prison discipline. [Repealed by Act XVII., 1862.]

GEORGE TOWN, SINGAPORE, AND MALACCA.

Act No. XII. of 1840.

[*Passed on the 8th June*, 1840.

1 and 2. Extend Act XII., 1839, to ground not covered with buildings, and authorizes an assessment on such ground at not exceeding 10 per cent. within George Town, Singapore, and Malacca, and (Section 2,) of 5 per cent. beyond those limits.

3. Exempts property of a less annual value than 10 Spanish Dollars.

4. The provisions of Act XII., 1839, applicable to assessments under this Act.

An Act for extending Act XII. of 1839 (relating to the assessment of dwelling houses and buildings within and beyond the

limits of the Towns of George Town, Singapore, and Malacca) to grounds not covered with houses or buildings.

Repealed by Act IX., 1848.

FACTORS' ACT.

Act No. XIII. of 1840.

[*Passed on the 29th June,* 1840.

Extends the Statute 4, Geo. 4, Cap. 83, as altered by Stat. 6, Geo. 4, Cap. 94, to the Territories of the East India Company. Saving cases not governed by English Law, and the jurisdiction of Her Majesty's Courts.

Act 4, Geo. 4, Cap. 83.

1. Persons in whose name goods shall be shipped, shall be deemed the owners so as to entitle Consignees to a lien thereon.

2. Any person may take goods or bill of lading in deposit from Consignee, but shall not acquire any further right than Consignee possessed.

3. Right of owner to follow his goods while in the hands of his agent or of his Assignees in case of Bankruptcy, or to recover them from Assignees, &c., upon paying his advances secured upon them, &c. Proviso as to Bankruptcy of Factor.

Act VI., Geo. 4, Cap. 94

1. Factors or Agents having goods or merchandize in their possession, shall be deemed to be true owners so as to give validity to contracts with persons dealing *bonâ fide* upon the faith of such property.

2. Persons in possession of Bills of Lading, to be the owners so far as to make valid contract.

3. No person to acquire a security upon Goods in the hands of an Agent for an antecedent debt, beyond the amount of the Agent's interest in the goods.

4. Persons may contract with known Agents in the ordinary course of business or out of that course if within the Agent's authority.

5. Persons may accept and take goods, &c., in pledge from known Agents, but shall acquire no further interest than was possessed by such Agent, at the time of such pledge

6. Right saved, of true owner to follow his goods while in the hands of his Agent or of Assignee in case of Bankruptcy, or to recover them from a third person upon paying advances secured upon them. Proviso in case of Bankruptcy of Factor, the Owner of Goods so pledged and redeemed shall be held to have discharged *pro tanto* the debt due from him to Bankrupt.

7. Agents fraudulently pledging the Goods of their principals to be deemed guilty of a misdemeanor, and may be transported not exceeding 14 years, or be otherwise punished as for a misdemeanor.

8. Not to extend to cases in which the Agent has not made the Goods a security for any sum beyond the extent of his own lien. Acceptances of Bills

by Agent not to create a lien so as to excuse the pledge unless the Bills are paid when due.

9. Act not to extend to partners not being privy to the offence.

10 Act not to lessen any remedy at law or equity which party aggrieved may be entitled to adopt.

An Act for the amendment of the Law regarding Factors, by extending to the Territories of the East India Company, in cases governed by English Law, the provisions of the Statute 4, Geo. IV., Chap. 83, as altered and amended by the Statute 6, Geo. IV., Chap. 94.

It is hereby enacted, that the Statute of the 4 Geo. IV., Chap. 83, as altered and amended by the Statute of 6 Geo. IV., Chap. 95, shall be extended to the Territories of the East India Company; provided always that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the aforesaid Statutes if this Act had not passed; or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statutes hereby extended to the Territories of the East India Company are as follows:—

4TH GEO. IV., CAP. 83.

An Act for the better protection of the Property of Merchants and others who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandizes, intrusted to Factors or Agents. (18th July 1823.)

"Whereas it has been found that the Law, as it now stands, relating to Goods shipped in the names of persons who are not the actual Proprietors thereof, and to the deposit or pledge of Goods, affords great facility to fraud, produces frequent litigation, and proves, in its effects, highly injurious to the interests of Commerce in general." Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of sale, with any Goods, Wares, or Merchandize, and by whom such Goods, Wares, or Merchandize, shall be shipped, in his, her or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall

be shipped by other person or persons, shall be deemed and taken to be the true Owner or Owners thereof, so far as to entitle the Consignee or Consignees of such Goods, Wares, and Merchandize, to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such Consignee or Consignees to or for the use of the person or persons in whose name or names such Goods, Wares, or Merchandize, shall be shipped, or in respect of any money or negotiable security or securities received by him, her, or them, to the use of such Consignee or Consignees, in the like manner to all intents and purposes, as if such person or persons was or were the true Owner or Owners of such Goods, Wares, and Merchandize; provided such Consignee or Consignees shall not have notice, by the Bill of Lading for the delivery of such Goods, Wares, or Merchandize or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall be shipped by any person or persons, is or are not the actual and *bonâ fide* Owner or Owners, Proprietor or Proprietors of such Goods, Wares, and Merchandize so shipped as aforesaid, any law, usuage or custom to the contrary thereof in any wise notwithstanding: Provided also, that the person or persons in whose name or names any such Goods, Wares, or Merchandize are so shipped as aforesaid, shall be taken, for the purposes of this Act, to have been entrusted therewith, unless the contrary thereof shall appear or be shewn in evidence by any person disputing such fact.

II. And be it further enacted, that it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to accept and take any Goods, Wares, or Merchandize, or the Bill or Bills of Lading for the delivery thereof, in deposit or pledge from any Consignee or Consignees thereof; but then and in that case such person or persons, body or bodies, politic or corporate, shall acquire no further or other right, title, or interest, in or upon or to the said Goods, Wares, or Merchandize, or any Bill of Lading for the delivery thereof, than was possessed, or could or might have been enforced by the said Consignee or Consignees at the time of such

deposit or pledge as a security as aforesaid: but such person or persons, body or bodies, politic or corporate, shall and may acquire, possess, and enforce such right, title, or interest, as was possessed and might have been enforced, by such Consignee or Consignees at the time of such deposit or pledge as aforesaid, any rule of law, usage or custom to the contrary notwithstanding.

III. Provided always, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true Owner or Owners, Proprietor or Proprietors of such Goods, Wares, or Merchandize, from demanding and recovering the same from his, her, or their Factor or Factors, Agent or Agents, before the same shall have been so deposited or pledged, or from the Assignee or Assignees of such Factor or Factors, Agent or Agents, in the event of his, her, or their Bankruptcy; nor to prevent any such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from any person or persons, or of or from the Assignees of any person or persons in case of his or her bankruptcy, or of or from any body or bodies, politic or corporate, such Goods, Wares, or Merchandize so consigned, deposited or pledged, upon repayment of the money or on restoration of the negotiable security or securities, or on payment of a sum of money equal to the amount of such security or securities, for which money or negotiable security or securities such person or persons, his, her, or their Assignee or Assignees, or such body or bodies, politic or corporate, may be entitled to any lien upon such Goods, Wares, or Merchandize, nor to prevent the said Owner or Owners, Proprietor or Proprietors, from recovering of and from such person or persons, body or bodies, politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such Goods, Wares or Merchandize, after deducting thereout the amount of the money or negotiable security or securities so advanced or given upon the security thereof as aforesaid. Provided always, that in case of the bankruptcy of such Factor or Agent, the Owner of the Goods so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him to the Bankrupt's estate.

6TH GEO. IV., CAP. 94.

An Act to alter and amend on Act for the better protection of the Property of Merchants and others, who may hereafter enter

into Contracts or Agreements in relation to Goods, Wares, or Merchandizes intrusted to Factors or Agents.

Whereas an Act passed in the fourth year of the reign of His present Majesty, intituled "An Act for the better protection of the property of Merchants and others, who may hereafter enter into contracts or agreements in relation to Goods, Wares, or Merchandize intrusted to Factors or Agents;" And whereas it is expedient to alter and amend the said Act, and to make further provisions in relation to such contracts or agreements, as hereinafter provided: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted for the purpose of consignment or of sale, with any Goods, Wares, or Merchandize and who shall have shipped such Goods, Wares, or Merchandize, in his, her, or their own name or names, and any person or persons, in whose name or names any Goods, Wares, or Merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true Owner or Owners thereof, so far as to entitle the Consignee or Consignees of such Goods, Wares, and Merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such Consignee or Consignees to or for the use of the person or persons in whose name or names such Goods, Wares, or Merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her, or them to the use of such Consignee or Consignees, in the like manner to all intents and purposes, as if such person or persons was or were the true Owner or Owners of such Goods, Wares, and Merchandize, provided such Consignee or Consignees shall not have notice by the Bill of Lading for the delivery of such Goods, Wares, or Merchandize or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names or in whose name or names any Goods, Wares, or Merchandize shall be shipped by any person or persons, is or are not the actual and *bonâ fide* Owner or Owners, Proprietor or Proprietors of such Goods,

Wares, and Merchandize so shipped as aforesaid, any law, usage, or custom to the contrary thereof in any wise notwithstanding: Provided also, that the person or persons in whose name or names any such Goods, Wares, or Merchandize are so shipped as aforesaid, shall be taken, for the purpose of this Act, to have been entrusted therewith for the purpose of consignment or of sale, unless the contrary thereof shall be made to appear by bill of discovery or otherwise, or be made to appear, or be shown in evidence by any person disputing such fact.

II. And be it further enacted, that from and after the First day of October, One thousand eight hundred and twenty-six, any person or persons intrusted with and in possession of any Bill of Lading, India Warrant, Dock Warrant, Warehouse-keeper's Certificate, Wharfinger's Certificate, Warrant, or Order for delivery of Goods, shall be deemed and taken to be the true Owner or Owners of the Goods, Wares, and Merchandize described and mentioned in the said several documents hereinbefore stated respectively, or either of them, so far as to give validity to any contract or agreement thereafter to be made or entered into by such person or persons so intrusted and in possession as aforesaid, with any person or persons, body or bodies, politic or corporate, for the sale or disposition of the said Goods, Wares, and Merchandize, or any part thereof, or for the deposit or pledge thereof, or any part thereof, as a security for any money or negotiable instrument or instruments advanced or given by such person or persons, body or bodies, politic or corporate, upon the faith of such several documents or either of them; provided such person or persons, body or bodies, politic or corporate, shall not have noticed by such documents, or either of them, or otherwise, that such person or persons so intrusted, as aforesaid, is or are not the actual and *bonâ fide* Owner or Owners, Proprietor or Proprietors, of such Goods, Wares, or Merchandize, so sold or deposited or pledged as aforesaid, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

III. Provided always, and be it further enacted, that in case any person or persons, body or bodies, politic or corporate, shall, after the passing of this Act, accept and take any such Goods, Wares, or Merchandize, in deposit or pledge from any such person or persons so in possession and entrusted as aforesaid,

without notice as aforesaid, as a security for any debt or demand due and owing from such person or persons so intrusted and in possession as aforesaid, to such person or persons, body or bodies, politic or corporate, before the time of such deposit or pledge, then and in that case such person or persons, body or bodies, politic or corporate, so accepting or taking such Goods, Wares, or Merchandize in deposit or pledge, shall acquire no further or other right, title or interest in or upon or to the said Goods, Wares, or Merchandize, or any such document as aforesaid than was possessed or could or might have been enforced by the said person or persons so possessed and intrusted as aforesaid, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies, politic or corporate, so accepting or taking such Goods, Wares, or Merchandize in deposit or pledge, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such person or persons so possessed and intrusted as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

IV. And be it further enacted, that from and after the First day of October, One thousand eight hundred and twenty-six, it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to contract with any Agent or Agents, intrusted with any Goods, Wares, or Merchandize, or to whom the same may be consigned, for the purchase of any such Goods, Wares, and Merchandize, and to receive the same of and pay for the same to such Agent or Agents; and such contract and payment shall be binding upon and good against the Owner of such Goods, Wares, and Merchandize, notwithstanding such person or persons, body or bodies, politic or corporate, shall have notice that the person or persons making and entering into such contract, or on whose behalf such contract is made or entered into, is an Agent or Agents, provided such contract and payment be made in the usual ordinary course of business, and that such person or persons, body or bodies, politic or corporate, shall not, when such contract is entered into or payment made, have notice that such Agent or Agents, is or are not authorised to sell the said Goods, Wares, and Merchandize, or to receive the said purchase money.

V. And be it further enacted, that from and after the passing

of this Act, it shall be lawful to and for any person or persons body or bodies, politic or corporate, to accept and take any such Goods, Wares, or Merchandize, or any such document as aforesaid, in deposit or pledge from any such Factor or Factors, Agent or Agents, notwithstanding such person or persons, body or bodies, politic or corporate, shall have such notice as aforesaid, that the person or persons making such deposit or pledge is or are a Factor or Factors, Agent or Agents; but then and in that case such person or persons, body or bodies, politic or corporate, shall acquire no further or other right, title, or interest in or upon or to the said Goods, Wares, or Merchandize, or any such document as aforesaid, for the delivery thereof, than was possessed or could or might have been enforced by the said Factor or Factors, Agent or Agents, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies, politic or corporate, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such Factor or Factors, Agent or Agents, at the time of such deposit or pledge as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

VI. Provided always, and be it enacted, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true Owner or Owners, or Proprietor or Proprietors, of such Goods, Wares, or Merchandize, from demanding and recovering the same from his, her, or their Factor or Factors, Agent or Agents, before the same shall have been sold, deposited, or pledged, or from the Assignee or Assignees, of such Factor or Factors, Agent or Agents, in the event of his, her, or their bankruptcy; nor to prevent such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from any person or persons, body or bodies, politic or corporate, the price or sum agreed to be paid for the purchase of such Goods, Wares, or Merchandize, subject to any right of set off on the part of such person or persons, body or bodies, politic or corporate, against such Factor or Factors, Agent or Agents, nor to prevent such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from such person or persons, body or bodies, politic or corporate, such Goods, Wares, or Merchandize, so deposited or pledged, upon repayment of the money or on

restoration of the negotiable instrument so advanced or given on the security of such Goods, Wares, or Merchandize, as aforesaid, by such person or persons, body or bodies, politic or corporate, to such Factor or Factors, Agent or Agents, and upon payment of such further sum of money, or on restoration of such other negotiable instrument or instruments (if any) as may have been advanced or given by such Factor or Factors, Agent or Agents, to such Owner or Owners, Proprietor or Proprietors, or on payment of a sum of money equal to the amount of such instrument or instruments; nor to prevent the said Owner or Owners, Proprietor or Proprietors, from recovering of and from such person or persons, body or bodies, politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such Goods, Wares, or Merchandize, after deducting thereout the amount of the money or negotiable instrument or instruments so advanced or given upon the security thereof as aforesaid: Provided always, that in case of the bankruptcy of any such Factor or Agent, the Owner or Owners, Proprietor or Proprietors, of the Goods, Wares, and Merchandize, so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him, her, or them to the Estate of such Bankrupt.

VII. And whereas it is expedient to prevent the improper deposit or pledge of Goods, Wares, or Merchandize, or the documents relating to such Goods, Wares, or Merchandize, intrusted or consigned as aforesaid to Factors or Agents: be it therefore enacted, that if any such Factors or Agents, at any time from and after the said First day of October, One thousand eight hundred and twenty-six, shall deposit or pledge any Goods, Wares, or Merchandize, intrusted or consigned as aforesaid, to his or her care or management, or any of the said several documents so possessed or intrusted as aforesaid, with any person or persons, body or bodies, politic or corporate, as a security for any money or negotiable instrument or instruments borrowed or received by such Factor or Agent, and shall apply or dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the Owner or Owners of any such Goods, Wares, or Merchandize, every person so offending, in any part of the United Kingdom, shall be deemed and taken to be guilty of a misdemeanor, and being convicted

thereof according to law, shall be sentenced to transportation for any term not exceeding fourteen years, or to receive such other punishment as may by law be inflicted on persons guilty of a misdemeanor, and as the Court before whom such offender may be tried and convicted shall adjudge.

VIII. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to subject any person or persons to prosecution, for having deposited or pledged any Goods, Wares, or Merchandize, so intrusted or consigned to him, her or them, provided the same shall not be made a security for or subject to the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due and owing to such person or persons from his, her, or their principal or principals: Provided nevertheless that the Acceptances of Bills of Exchange by such person or persons drawn by or on account of such principal or principals shall not be considered as constituting any part of such debt so due and owing from such principal or principals within the true intent and meaning of this Act, so as to excuse the consequence of such a deposit or pledge, unless such Bills shall be paid when the same shall respectively become due.

IX. Provided also, and be it further enacted, that the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act, shall not extend or be construed to extend to any partner or partners, or other person or persons of or belonging to any partnership, society, or firm, except only such partner or partners, person or persons, as shall be necessary or privy to the commission of such offence; any thing herein contained to the contrary in any wise notwithstanding.

X. Provided also, and be it further enacted, that nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall hinder, prevent, lessen, or impeach any remedy at Law or in Equity, which any party or parties aggrieved by any offence against this Act might or would have had or have been entitled to against any such offender if this Act had not been made, nor any proceeding, conviction, or judgment had been had or taken thereupon; but nevertheless, the conviction of any offender against this Act shall not be received in evidence in any action at law or suit in Equity against such

offender: and further that no person shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act, matter or thing done by him, if he shall at any time previously to his being indicted for such offence have disclosed any such matter or thing on oath, under or in consequence of any compulsory process of any Court of Law or Equity, in any action, suit or proceeding, in or to which he shall have been a party, and which shall have been *bonâ fide* instituted by the party aggrieved by the act, matter, or thing, which shall have been committed by such offender aforesaid.

Altered and amended by Act XX., 1844.

MEMORANDUM IN WRITING NECESSARY.

ACT No. XIV. OF 1840.

[*Passed on the 29th June,* 1840.

Extends to the Territories of the East India Company the Statute 9, Geo. 4, Cap. 14.

1. In actions of debt or upon the case, no acknowledgment shall be deemed sufficient unless it be in writing, or by part payment. One joint contractor not to lose benefit of Statute by act of co-contractors. Verdict may be given against one and for other co-contractors.

2. Upon issue on a plea in abatement, if it appears that the parties not joined are not liable by reason of the Statute of Limitations, the issues hall be found against the party pleading.

3. Indorsement or memorandum on note, &c., of any payment shall not be evidence in favour of the party making the indorsement.

4. Statutes of Limitation to apply to debts alleged by way of set-off.

5. Ratification after full age of a promise made during infancy shall not be good unless it be in writing.

6. No person to be charged by reason of any representation, &c., relating to the character, conduct credit, ability, trade or dealings of any other person, &c. unless made in writing.

7. Extends the provisions of the 17th Section of the Statute of Frauds to contracts for goods of £10 or upwards, though the goods were to be delivered or made at some future time.

8. No stamp necessary on agreements within the last Section.

An Act for rendering a written Memorandum necessary to the validity of certain promises and engagements by extending to the Territories of the East India Company, in cases governed by

English Law, the Provisions of the Statute 9, Geo. IV., Cap XIV.

It is hereby enacted, that the Statute 9, Geo. IV., Ch. XIV., shall be extended to the Territories of the East India Company; provided always that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the aforesaid Statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company is as follows (the sum of £10 mentioned therein to be deemed 100 Rupees in the application of the Statute to the aforesaid Territories):—

9th Geo. IV., Cap. XIV.

An Act for rendering a written Memorandum necessary to the validity of certain Promises and Engagements.

9th May, 1828.

Whereas by an Act passed in England in the twenty-first year of the reign of King James the First, it was, among other things, enacted, that all actions of account and upon the case, other than such accounts as concerns the trade of Merchandize between Merchant and Merchants, their Factors or Servants, all actions of debt grounded upon any lending or contract without specialty, and all actions of debt for arrearages of rent, should be commenced within three years after the end of the then present Session of Parliament, or within six years next after the cause of such actions or suit, and not after. And whereas a similar Enactment is contained in an Act passed in Ireland in the tenth year of the reign of King Charles the First, and whereas various questions have arisen in actions founded on simple contract, as to the proof and effect of acknowledgments and promises offered in evidence for the purpose of taking cases out of the operation of the said Enactments; and it is expedient to prevent such questions, and to make provision for giving effect to the said Enactments and to the intention thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in actions of debt or upon the case grounded upon any simple contract, no acknowledg-

ment or promise by words only shall be deemed sufficient evidenc of a new or continuing contract, whereby to take any case out of the operation of the said Enactments, or either of them, or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby, and that where there shall be two or more joint Contractors, or Executors or Administrators of any Contractor, no such joint Contractor, Executor, or Administrator shall lose the benefit of the said Enactments, or either of them, so as to be chargeable in respect or by reason only of any written acknowledgment or promise made and signed by any other or others of them. Provided always that nothing herein contained shall alter, or take away, or lessen the effect of any payment of any principal or interest made by any person whatever. Provided also, that in actions to be commenced against two or more such joint Contractors, or Executors, or Administrators, if it shall appear at the trial or otherwise that the Plaintiff, though barred by either of the said recited Acts or this Act, as to one or more of such joint Contractors, or Executors or Administrators, shall nevertheless be entitled to recover against any other or others of the Defendants, by virtue of a new acknowledgment or promise, or otherwise, judgment may be given and costs allowed for the Plaintiff as to such Defendant or Defendants against whom he shall recover, and for the other Defendant or Defendants against the Plaintiff.

II. And be it further enacted, that if any Defendant or Defendants in any action on any simple contract, shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued and issue be joined on such plea, and it shall appear at the trial that the action could not, by reason of the said recited Acts, or this Act, or of either of them, be maintained against the other person or persons named in such plea, or any of them, the issue joined on such plea shall be found against the party pleading the same.

III. And be it further enacted, that no Indorsement or Memorandum of any payment, written or made after the time appointed for this Act to take effect, upon any Promissory Note, Bill of Exchange, or other writing, by or on the behalf of the party to whom such payment shall be made, shall be deemed

sufficient proof of such payment so as to take the case out of the operation of either of the said Statutes.

IV. And be it further enacted, that the said recited Acts and this Act shall be deemed and taken to apply to the case of any debt on simple contract alleged by way of set-off on the part of any Defendant, either by plea, notice, or otherwise.

V. And be it further enacted, that no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

VI. And be it further enacted, that no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given, concerning or relating to the character, conduct, credit, ability, trade, or dealings of any other person, to the intent or purpose that such other person may obtain credit, money, or goods upon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

VII. And whereas by an Act passed in England in the twenty-ninth year of the reign of King Charles the Second, entitled An Act for the prevention of Frauds and Perjuries, it is, among other things enacted, that from and after the Twenty-fourth day of June One thousand six hundred and seventy-seven, no contract for the sale of any Goods, Wares, and Merchandizes, for the price of ten pounds sterling or upwards, shall be allowed to be good except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized. And whereas a similar Enactment is contained in an Act passed in Ireland in the seventh year of the reign of King William the Third. And whereas it has been held that the said recited Enactments do not extend to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied; and it is expedient to extend the said Enactments to such executory contracts: be it enacted, that the said Enactments

shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards, notwithstanding the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

VIII. And be it further enacted, that no memorandum or other writing made necessary by this Act shall be deemed to be an agreement within the meaning of any Statute relating to the duties of Stamps. [See Stamp Act, Act X., 1862, Schedule A:]

BOMBAY.—AGENTS OF FOREIGN SOVERIGNS

ACT No. XV. OF 1840.

[*Passed on the 20th June*, 1840.

Extends Regulation 15, 1827, and Regulation 13, 1830, to the Agents of Foreign Sovereigns having lands, &c., in the Bombay Presidency.

An Act for extending Regulations XV. of 1827, and XIII. of 1830, of the Bombay Code, to the Agents of Foreign Sovereigns.

It is hereby enacted, that the provisions of Regulations XV., of 1827, and XIII., of 1830, of the Bombay Code, be made applicable to the Agents of Foreign Sovereigns having lands and possessions in the British Territory of the Bombay Presidency, and to guardians and such other individuals as the Governor in Council of Bombay may consider it expedient to invest with the powers contained in the aforesaid Regulations; provided that in all cases the authority conferred shall be revocable at the discretion of the Governor in Council of Bombay.

TRANSPORTED CONVICTS.

ACT No. XVI. OF 1840.

[*Passed on the 3rd August*, 1840.

1. Recites expediency of modifying rules relating to the management of Convicts. Enacts that the property in the service of persons under transportation shall be vested in the persons to whom Convict is delivered.

2. Governor General in Council may authorize the appointment of Superintendents of Convicts, to whom Convicts under transportation shall be delivered, and in whom their property be vested.

3. Governor General in Council may issue orders, &c., touching the classification of Convicts, their confinement, &c., and conviction in case of misbehaviour, &c.

4. Persons already under transportation to be subject to the provisions of this Act.

An Act concerning the maangement of Convicts transported to places within the Territories of the East India Company.

Whereas doubts have arisen touching the legal mode of treating Convicts transported to places within the Territories of the East India Company, and it is expedient to modify the rules which have heretofore been followed with regard to the management of such Convicts:

I. It is hereby declared and enacted, that as soon as any offender shall be delivered to the person or persons to be appointed by the Governor General in Council on that behalf at the place to which he is transported, the property in the service of such offender shall be vested in such person or persons during the term of transportation.

II. And it is hereby declared and enacted, that it shall be lawful for the Governor General in Council to appoint the Governor or other Authority at any place within the Territories of the East India Company, or to appoint one or more Superintendents at any such place as the persons to whom Convicts undergoing transportation shall be delivered and in whom the property in the service of such Convicts shall be vested as aforesaid.

III. And it is hereby declared and enacted, that it shall be lawful for the Governor General in Council to issue orders from time to time to any such Governor, Authority, or Superintendent, and which orders are hereby required to be duly executed, and to frame rules touching the classification of Convicts, their confinement, treatment, and disipline, and touching such moderate correction as may be necessary in cases of misbehaviour and disorderly conduct, and of neglect or disobedience in the service of those persons in whom the property of such service may be vested as aforesaid.

IV. And it is hereby declared and enacted, that all persons who have heretofore been transported to any place within the

Territories of the East India Company, and whose terms of transportation are not yet expired, shall be subject to the provisions contained in this Act, and nothing theretofore done with respect to offenders who have been so transported in conformity with the provisions of this Act, or by the orders, or with the sanction of Government, shall be called in question in any Court of Law. [See Act XXXV., 1860, entitled "An Act relating to the Transportation of Convicts."]

MADRAS.—SALT LAWS.

ACT No. XVII. OF 1840.

[*Passed on the* 10*th August*, 1840.

Modifies Regulation 5, 1831. Penalties for breaches of the Salt Laws may be recovered before Magistrate of the District. Magistrate may proceed in same manner as against persons charged with offences punishable by Criminal Court. Magistrate not to order fine exceeding 50 Rupees, or imprisonment with or without labour, exceeding 30 days

An Act for amending Regulation V. of 1831, of the Madras Code, as far as the same regards penalties for certain breaches of the Salt Laws.

Whereas great inconvenience has been experienced, in consequence of sending persons accused of petty offences against the Salt Laws for trial in the Criminal Courts, who might be more conveniently tried by Magistrates as in the case of other offences subject to the same amount of punishment:

It is hereby enacted, in modification of Regulation V. of 1831, of the Madras Code, that all penalties prescribed by the Madras Code for any breaches of the Salt laws shall be recoverable before the Magistrate of the district: Provided always, that it shall be lawful for any such Magistrate before whom any person shall be charged with the commission of any offence against the Salt Laws, at his discretion, to proceed against such person in the same manner as against persons charged with offences, the punishment of which rests with the Criminal Court: Provided also, that no Magistrate shall under the authority of this Act, punish any

offender by a fine exceeding 50 Rupees, or by imprisonment with or without labor for a longer period than thirty days.

Amended by Act VII., 1852, as to penalties for breaches of the Salt Laws in the Madras Presidency.

BOMBAY.—LICENSES.

Act No. XVIII. of 1840.

[*Passed on the* 10*th August*, 1840.

1. Power now vested in Justices of the Peace of Bombay with respect to licenses shall be vested in the Collector of Land Revenue and the Senior Magistrate of Bombay jointly. But Justices of the Peace may quash licenses.
2. Governor in Council may regulate the form of licenses.
3. Except as herein repealed or altered, the Law not to be altered.

An Act to regulate the granting and withholding Licenses for the sale of Liquors within the Islands of Bombay and Colaba.

Repealed by Act XIII., 1856.

BENGAL.—APPEALS.

Act No. XIX. of 1840.

[*Passed on the* 14*th September*, 1840.

The provision in Clause 1, Section 5, Regulation 28, 1814, to be applicable to any party desirous of appealing in *formâ pauperis*.

Repealed by Act X., 1861, as to parts where the Code of Civil Procedure is in operation.

BENGAL.—REVENUE SALES.

Act No. XX. of 1840.

[*Passed on the* 19*th October*, 1840.

An Act for declaring the Law touching the liability of Auction Purchasers of permanently assessed Estates under Section XXI., Regulation XI. of 1822, of the Bengal Code.

Regulation 7, of 1830, and Regulation 11, of 1822, except Sections 36 and 38, are repealed by Act XII. of 1841, and consequently this Act is superseded.

BENGAL.

ACT No. XXI. OF 1840.

[*Passed on the* 19*th October*, 1840.

An Act concerning suits instituted under the provisions of Regulation XLIX. of 1793, prior to, and pending at the date of the enactment of Act IV. of 1840.

Of temporary and limited operation, now obsolete.

CALCUTTA, MADRAS & BOMBAY.—VAGRANTS.

ACT No. XXII. OF 1840.

[*Passed on the* 23*rd November*, 1840.

1. Persons seeking to extort alms by offensively exhibiting bodily ailment or deformity, or by offensive or indecent practices, &c., liable to imprisonment with or without labour not exceeding 1 month.

2. Persons guilty of second offence to receive double punishment.

3. Persons resisting Peace Officer attempting to apprehend them for above offences, to be imprisoned with or without labor not exceeding 3 calendar months.

4. Governor General in Council may extend the operation of this Act to any other towns or districts.

An Act for the punishment of Vagrants within the Towns of Calcutta and of Madras, and the Islands of Bombay and Colaba, extorting Alms by offensive and disgusting exhibitions and practices.

Repealed by Act XIII., 1856.

BENGAL.—EXECUTION OF MOFUSSIL PROCESS.

ACT No. XXIII., OF 1840.

[*Passed on the* 19*th November*, 1840.

1. Writ, warrant, or other process issued by any Court beyond the limits of Supreme Courts, may be executed within those limits and in what manner.

2. Upon delivery to Sheriff of Writ, &c., Sheriff shall make a memorandum of the date of delivery, and execute it as if it had issued out of Her Majesty's Courts. Sheriff to make no distinction as to priority between Writs, &c., delivered him under this Act and Writs, &c., issued out of Her Majesty's Courts.

3. Sheriff to be liable to same proceedings in respect of acts done in execution of Writs, &c., under this Act as of other Writs.

4. Person disobeying any Writ, &c., indorsed under this Act, to be punishable in Her Majesty's Courts.

5. Person who is seized, &c., by virtue of Writ, &c, under authority of this Act shall be delivered if he requires, to such authority as is specified in the indorsement.

6. Judge whose indorsement is required may remit the Writ, &c., to the authority issuing it for amendment, if defective in form.

7. Judge whose indorsement is required may direct Bail to be taken.

8. All Civil and Criminal Gaols and Houses of Correction within the Jurisdiction of any of Her Majesty's Courts may be used by the Sheriff for the purposes of this Act.

An Act for executing within the local limits of the jurisdiction of Her Majesty's Courts Legal Process issued by authorities in the Mofussil.

Whereas great inconvenience has been experienced in consequence of the difficulty of procuring the attendance as witnesses before the Mofussil authorities, of persons resident within the local limits of her Majesty's Supreme Courts, and, in consequence of justice being often frustrated by reason of persons and property within such limits being exempted from process issued by such Authorities, which has also occasioned inconvenience to the inhabitants within such limits, in suits in the Mofussil Courts to which they are parties:

I. It is hereby enacted, that any Writ, Warrant, or other Process issued by any Court, Judge, or Magistrate in the Territories beyond the local limits of the Supreme Courts of Calcutta, Madras and Bombay respectively, may be executed within those limits in manner following:—A copy of such Writ, Warrant, or other Process, authenticated as such by the attestation of the Court, Judge, or Magistrate signing or issuing the same, accompanied by a certified translation in the English language, shall be presented to any Judge of Her Majesty's Courts, who may thereupon under his hand and signature indorse and direct the same to be executed within the local limits of any of Her Majesty's Courts by the Sheriff or by any Justice of the Peace, according to the nature of such Writ, Warrant, or other Process.

II. And it is hereby provided, that upon the delivery of every such Writ, Warrant or Process so indorsed as aforesaid to any such Sheriff as aforesaid, every such Sheriff shall make a

memorandum of the date of such delivery, and shall execute such Writ, Warrant, or Process in like manner as if the same had originally issued from any of Her Majesty's Courts and had been delivered at the date as appearing by the memorandum; and such Sheriff shall make no distinction as to priority or otherwise between the execution of any Writ, Warrant, or other Process originally issued from any of Her Majesty's Courts, and the execution of any Writ, Warrant, or other Process, under this Act. But every Writ, Warrant, and other Process, whether original or indorsed as aforesaid, shall, amongst each other, be subject to the same rules touching the mode and order of execution as are now established in respect of Writs, Warrants, and other Process originally issued from Her Majesty's Courts of Justice.

III. And it is hereby enacted, that every such Sheriff shall be liable to be proceeded against in Her Majesty's Courts of Justice on all matters touching the execution of any Writ, Warrant, or other Process executed under this Act, in like manner as if the same had originally issued from any of Her Majesty's Courts of Justice. And all persons and property seized or detained under any Writ, Warrant, or Process executed by virtue of this Act shall be dealt with in like manner as if such persons or property had been seized or detained under the like Writ, Warrant, or other Process issued from any of Her Majesty's Courts of Justice.

IV. And it is hereby enacted, that all persons disobeying or obstructing the execution of any Writ, Warrant or other Process indorsed under this Act, shall be punishable in Her Majesty's Courts of Justice, in like manner as if the same had issued from such Courts: Provided always that, in the case of Process for the attendance of witnesses, Her Majesty's Courts shall be governed by the like rules touching expenses and other matters are are established in regard to Subpœnas issued from such Courts.

V. And it is hereby enacted, in the case of persons seized or detained by virtue of any Writ, Warrant, or other Process executed under the authority of this Act by any Justice of the Peace or by any Sheriff, it shall be the duty of every such Sheriff or Justice of the Peace if so required by the indorsement of the Judge, to deliver the party in custody to such authority or per-

sons as shall be particularly specified in such indorsement, and who shall have been charged with the execution of the Writ, Warrant, or other Process by the authority originally issuing the same, and for that purpose to cause the party in custody to be conveyed to any place within the Company's Territories beyond the local limits of the jurisdiction of Her Majesty's Courts.

VI. And it is hereby provided, that in the case of any Writ, Warrant, or other Process required to be indorsed under the authority of this Act, it shall be lawful for the Judge who shall be required to indorse the same, to remit the same for amendment to the authority issuing the same if the same shall appear to be defective in any matter of form.

VII. And it is hereby provided, that in the case of any Writ, Warrant, or other Process required to be indorsed under the authority of this Act, for the seizure or detention of any person, it shall be lawful for the Judge who shall be required to indorse the same, to direct by indorsement that bail (the amount and number of Sureties to be specified in such indorsement) may be taken; and for this purpose to call for such documents and to make such inquiry as he shall think proper.

VIII. And whereas it is expedient, that offenders sentenced by the Mofussil authorities to imprisonment with or without hard labour, should be subject to the most improved rules of prison discipline, which cannot, in all cases, be conveniently done except in the prisons locally situate within the jurisdiction of Her Majesty's Supreme Courts, it is hereby enacted, that all Civil and Criminal Gaols and Houses of Correction within the jurisdiction of any of Her Majesty's Supreme Courts, shall, according to the nature of the case, be liable to be used by the Sheriff for the purposes of this Act, and the parties imprisoned therein under the authority of this Act, shall be liable to the prison discipline thereof, and all sentences of imprisonment passed by any Judge, Court, or Magistrate in the Territories of the East India Company, beyond the local limits of Her Majesty's Supreme Courts, may be executed in whole or in part within any of the Gaols or Houses of Correction aforesaid, provided that a Copy of the Warrant of commitment or other Process authorizing the imprisonment, be so indorsed as aforesaid, and such indorsement contain the necessary directions.

Sections 1 to 7 of this Act are superseded by the provisions of the Code of Civil Procedure, Act VIII., 1859, in the part entitled "Of the Execution of a Decree out of the Jurisdiction of the Court by which it was passed."

CALCUTTA.—MUNICIPAL RATES.

ACT No. XXIV. OF 1840.

[*Passed on the 7th December*, 1840.

1. The Assessments made for the Town of Calcutta under 33 Geo. 3., Cap. 52, shall be applied only to the purposes herein specified.

2. Sufficient Assessments to be made, but not exceeding 5 per cent. on the Assessable value of property, without the sanction of the Governor of Fort William.

3. Justices at their Quarter Sessions shall publish particulars of their receipts and disbursements within specified division.

4. The Governor of Fort William may authorize the rate-payers to undertake themselves the Assessment, collection, and management of the rates, upon a scheme to be approved by him.

5. Governor of Fort William may appoint Assessors, Collectors, &c.

6. Not necessary in Assessment, &c., to specify name of owner, &c.; houses may be specified by name of street and number.

7. Goods of the owner of rated property may be seized any where for satisfaction of rates: also any property on the rated premises.

8. Property concealed in Zenana may be seized, and how.

For amending the law with respect to rates for Municipal purposes within the Town of Calcutta.

Repealed by Act XVI., 1847.

BENGAL.—ABKAREE REVENUE.

ACT No. XXV. OF 1840.

[*Passed on the 20th December*, 1840.

1. Commissioner appointed for the Superintendence of the Abkaree Revenue shall exercise the powers, &c., vested by the Regulations, &c., in the Commissioners of Land Revenue in matters appertaining to Abkaree Revenue.

2. Superintendents may be appointed to take charge of the Abkaree Revenue under the orders of the Commissioner.

3. Superintendent may be empowered to adjudicate cases of contravention of the Abkaree Law, but not to fine any person exceeding 200 Rupees or to imprison exceeding 3 months, except for second offence.

4. The warrant of any Officer having power to adjudicate cases of contravention of the Abkaree Laws, &c., shall be sufficient authority for levy of fine or imprisonment of offender. Proviso, giving appeal to Commissioner.

5. Officer in Abkaree department above the rank of Jemadar of Peons receiving information of offences specified, shall take the deposition of the informer in writing, and if it appears credible may enter and search premises, &c.

6. Except in cases provided for by Section 18, Regulation 7, 1824, any person by threats or violence preventing lawful arrest, or procuring unlawful release, or obstructing Officer, &c., &c., may be fined not exceeding 500 Rupees, commutable to imprisonment not exceeding 6 months, and to further punishment in case of affray and breach of the peace.

7. Modifies Clause 6, Section 22, Regulation 10, 1813. Any person wilfully, &c., giving false information in respect to there being illicit stills, &c, may be imprisoned not exceeding 2 years and fined not exceeding 500 Rupees, besides being liable to penalties and damages by the general law.

8. Officer of Abkaree department arresting any person, &c., seizing still, &c., or entering premises, &c., shall make a full report to his official superior within 24 hours.

9. Party arrested by Officer in Abkaree department shall be carried, with all convenient despatch, to the Officer competent to try, and shall not be released until his case shall have been adjudicated upon.

10. Any Officer neglecting to report within 24 hours as above required, or delaying to carry the person arrested to the proper Officer, or releasing, &c., may be dismissed from his situation and fined not exceeding 200 Rupees and imprisoned not exceeding 3 months, and 3 months more in case of non-payment of fine; the man may be tried by Officer competent to try cases under the Abkaree Laws.

11. Any Officer in Abkaree department may enter, &c., day or night, the shop or premises of any licensed Abkar, to satisfy himself that nothing is going on in contravention of the Abkaree Laws.

12. Any Officer of Abkaree department convicted of vexatious, &c., seizure, or of any excess not required for execution of his duty may, besides dismissal, be imprisoned not exceeding 6 months and fined not exceeding 200 Rupees, and, if not paid, 6 months' further imprisonment.

13. The term "Officer of the Abkaree Department," how to be constructed.

14 Every licensed person shall keep his license at the licensed premises, and exhibit it on demand to any Abkaree Officer, and, in case of refusal, shall be fined not exceeding 200 Rupees and imprisoned not exceeding 3 months, and 3 months more if fine not paid.

15. One moiety of all fines and from the proceeds of confiscated property under this Act, shall be given to Officer, the other to the Informer, and if no fine be realised, the Commissioner may recommend a reward

16. Officer of Abkaree department conniving at specified infractions of the law shall be punished in same manner as the person contravening the law is liable to be punished.

17. Person convicted of a second offence of the like nature, shall, in addition to the ordinary punishment, be liable to be imprisoned in the Dewanny Gaol for 6 months, and 6 months added for subsequent offence.

For the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal

Repealed by Act XXI., 1856.

BENGAL.—REVENUE PUTTEEDARREE ESTATES.

Act No. I. of 1841.

[*Passed on the* 12*th April*, 1841.

1. Preamble.

2. Defines what a Putteedarree estate is, and who are Lumberdars and who Putteedars.

3. Allows specified modes of duress against certain Putteedars, viz., issuing of dustucks, arrest of persons, distraint of property, alienation of Puttee in perpetuity, annulment of the Setttlement as regards the defaulting Puttee, and sale of Puttee by public auction.

4 Putteedar not in default to have the right of pre-emption at the sum last bid by any stranger at the auction.

5. Collector, &c., to exercise the above powers subject to limitation and control of Government, &c.

6. Sales of Puttee by auction to be made in same manner in respect of the notice to be issued, &c., as sales of entire mehal. Rights of Ryots having a permanent interest, saved.

7. When Puttee is temporarily transferred, no member of the Puttee shall cultivate any land therein during the transfer, nor at all if the Puttee has been permanently transferred, without first agreeing to pay rent to the transferree. If parties cannot agree as to rent, it may be fixed by a jury of the vicinage.

8. A copy of the Jumma Wasil Bakee and detailed Khutsonee of the Tehsildar shall be sufficient evidence of the arrear due from a Puttee.

9. Collector may give possession to purchasers, and in what manner.

10. This Act not to bar the right of Government to hold the entire body of Proprietors, &c., responsible for the whole Jumma, &c.

11. Governor General in Council may extend this Act to any district, as he may deem expedient.

An Act for facilitating the collection of the Revenue of Government, and defining the interest intended to be conveyed

by public sales for the realization of arrears of the Public Revenue in Putteedarree Estates.

Preamble. I. The Regulations in force authorize the application of duress for enforcing the payment of arrears of the public revenue, only against the person and property of the contracting Lumberdar, leaving him to proceed against the Putteedars by suit or distraint. But with reference to the peculiar nature of these coparcenaries the existing enactments appear to be insufficient, on the one hand, for the protection of the rights of the Putteedars, and on the other hand for the punctual realization of the dues of Government. The Regulations are also deficient in not authorizing with sufficient distinctness the sale or transfer of the Puttees of defaulting Putteedars in Putteedarree estates, and in not defining the interest intended to be conveyed by public sales of such estates.

II. A Putteedarree estate in this Act is held to be an estate which consists of two or more separate portions or Puttees, or of which there may be proprietors possessed of separate properties and holding direct of the Government, but not parties in their own names to the contract with the Government for payment of the public revenue. The proprietor who is a party in his own name is called a Lumberdar, and the proprietor who is not a party in his own name is called a Putteedar.

III. It is hereby enacted, that the following modes of duress may be enforced against all Putteedars whose tenure and interest may have been defined by a Settlement formed according to Regulation VII. of 1822, as modified by Regulation IX. of 1833, whether every such Putteedar be in sole occupation of his Puttee, or hold it in common with others—

1st. Issue of Dustucks in the same manner, and under the same limitation, as authorized by the rules in force for Lumberdars.

2nd. Arrest, detention, imprisonment, distraint and sale of personal property, as now authorised to be enforced against Lumberdars.

3rd. Transfer of the defaulting Puttee in perpetuity to the members of any other Puttee which may not be in arrear.

4th. Annulment of the Settlement as regards the defaulting Puttee, and lease thereof to the members of any other Puttee which may not be in arrear, or to a stranger for any term not exceeding fifteen years.

5th. Sale of the defaulting Puttee by public auction, in which case the members of the remaining Puttees who may not be in arrear are authorized to bid.

IV. And it is hereby enacted, that on occasion of the sale by public auction of any Puttee, if the lot shall have been knocked down to a stranger, any Puttedar or other member of the coparcenary, not being himself in arrear, may claim to take the said Puttee at the sum last bid, provided that the said demand of pre-emption be made on the day of sale, and before the Collector shall have left the office, and provided that the claimant fulfil all the other conditions of the sale.

V. And it is hereby enacted, that the above methods be employed by the Collector or other Officers vested with the powers of Collector, under such limitation and control as Government or other superior revenue authorities shall see fit to prescribe or enforce.

VI. And it is hereby enacted, that the sale of any Puttee by public auction, shall be effected in respect to the notice to be issued, the authority to be obtained, and the mode of conducting the sale according to the rules prescribed by law from time to time for the sale of an entire Mehal; and the Puttee, after the sale shall have been duly confirmed, shall be the absolute property of the purchaser, save and except the right of those Ryots whose right to the permanent occupancy of their lands may have been recognized, and the rates of rent payable by whom may have been adjusted and recorded at the last settlement.

VII. And it is hereby enacted, that in case of the lease or other temporary transfer of any Puttee as above said, no member of that Puttee shall be entitled to cultivate any land therein during the term of such transfer, or in case of absolute sale no member of the Puttee shall be entitled to hold or cultivate any land therein from and after the month of Bysack next succeeding such sale unless the said member of such sold or transferred Puttee shall first execute a written engagement to pay rent to the purchaser or transferree at the rate demanded by the purchaser or transferree. Provided that it shall be competent to the Collector, subject to the orders of the Commissioner and the Sudder Board of Revenue, if the rate cannot be fixed by private bargain between the parties, to cause the same to be fixed by a jury of the vicinage

in the mode directed by Sections V. to X., Regulation IX. of 1833.

VIII. And it is hereby enacted, that a copy of the Jumma Wasil Bakee and detailed Khuteonee of the Tehsildar, signed and sealed by him, and countersigned by the Canoongoes and Putwarry, exhibiting in detail the amount paid by and arrear due from each Puttee, shall be taken to be sufficient evidence of the arrear due from that Puttee, and these papers shall invariably be filed with the Collector's proceedings.

IX. And be it enacted, that the Collector be empowered to give possession to all purchasers and transferrees under this Act in the mode authorized by Clause III., Section XXIII. of Regulation VII. of 1822.

X. And it is hereby enacted, that nothing contained in this Act shall bar the indefeasible right of Government to hold the entire body of proprietors and the entire estate responsible for the amount of the whole Jumma, and to inforce the existing Regulations for the transfer or sale of the whole estate, whenever it shall appear to them just and expedient. In every such case it is hereby declared, in modification of Regulation XI. of 1822, that the entire proprietary rights of every member of the Coparcenary shall be annulled and forfeited, and the provision of Section VII. of this Act shall be applicable to every member of the Coparcenary.

XI. And it is hereby enacted, that the Governor General in Council may extend the provisions of this Act to any district to which, with reference to the nature of the tenures prevalent therein its extension may be expedient, although no settlement of such district may have been made under Regulations VII., of 1822, and IX. of 1833, and the order of Government, shall be sufficient authority for such extension.

BOMBAY.—ABKAREE LICENCES.

Act No. II. of 1841.

[*Passed on the* 10*th May*, 1841.

1. Any person selling by retail Ganja, or Bhang, without licence, shall be fined not exceeding 30 rupees or imprisoned one month.

2. The Collector in each Zillah to grant licences for one year at a fee to be determined by the Governor in Council.

Appendix A. Form of Licence.

An Act for regulating the sale of Ganja and Bhang within the Presidency of Bombay.

Repealed by Act XXXIV., 1857.

BOMBAY.—PETTY OFFENCES.

ACT No. III. OF 1841.

[*Passed on the* 10*th May*, 1841.

1. Persons charged with Simple Larceny or receiving stolen property not exceeding in value 20 rupees may be tried by Petty Sessions.

2. Petty Sessions shall not have power to imprison for more than 12 months, nor to transport offender.

3. Petty Sessions may, instead of trying offender, commit him for trial before Her Majesty's Supreme Court.

4 and 5. A single Magistrate of Police may summarily convict in certain specified cases, if property does not exceed ten Rupees in value: but may not imprison offender for more than three months.

6. Instead of trying case, Police Magistrate may commit for trial before Her Majesty's Supreme Court.

7. Form of conviction to be used by Police Magistrate.

8. Upon conviction, property may be ordered to be restored to true owner, and person refusing to restore it may be fined not exceeding 20 rupees.

9. Repeals Art. 1, Title 14, and Art. 3, Title 15, of Rule, Ordinance and Regulation 2, 1827, offender convicted of second offence liable to double punishment, but not exceeding 24 lashes, or 12 months' imprisonment.

10. All fines and penalties to be levied in manner provided in Act II., 1839.

11. Saves the remedy by writ of Certiorari.

An Act for the trial of Prisoners charged with the commission of certain offences within the Islands of Bombay and Colaba, and the Harbour of Bombay.

Repealed by Act XIII., 1856.

BOMBAY.—PUBLIC CONVEYANCES.

ACT No. IV. OF 1841.

[*Passed on the* 17*th May*, 1841.

1. Hackney Carriages and other vehicles let to hire shall be numbered, or in default thereof owner may be fined not exceeding 30 Rupees.

2. Numbers to be appointed by Superintendent of Police, and withdrawn by Petty Sessions on proof of breach by owner of any provision of this Act.

3. Teeka Bearer, Boatman, &c., to wear a badge to be appointed by Superintendent of Police, or in default fined not exceeding 20 Rupees.

4. Petty Sessions may settle rates of hire for public conveyances, with sanction of Governor of Bombay. Rates to be published in Gazette. Persons demanding higher rate, &c, to be fined not exceeding 20 Rupees. Penalty not incurred unless legal rate has been tendered. Person refusing to pay legal fare to be fined not exceeding 20 Rupees.

5 Superintendent of Police to keep a Register of persons having numbers and badges under this Act. Persons using numbers and badges in manner unauthorised to be fined not exceeding 100 Rupees.

6. Petty Sessions may appoint stands for Carriages and Palkees. Persons in charge of Carriages and Palkees found loitering off the stand for the purpose of hire to be fined not exceeding 10 Rupees.

7. This Act not to extend to lettings for hire for a month or longer period.

8. All fines to be recovered in manner provided for by Act II., 1839.

An Act for regulating Public conveyances in the Islands of Bombay and Colaba, and the Harbour of Bombay.

I. It is hereby enacted, that all Hackney Carriages, Carts, Palankeens and other vehicles let to hire for the purpose of conveying persons or goods within the Islands of Bombay and Colaba, and all boats let to hire for such purpose within the Harbour of Bombay shall bear upon them, in manner as directed by the Superintendent of Police, on each side, in large English and Native figures or characters, a certain number to be indicated for every such public conveyance in manner hereinafter mentioned; and every person who shall let out to hire any such public conveyance after the expiration of two months from the day of passing this Act which shall not bear such number in manner aforesaid, or which shall bear any number not indicated as aforesaid, or after notice as hereinafter mentioned to withdraw the same, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Thirty Rupees.

II. And it is hereby enacted, that the numbers to be used for public conveyances shall be indicated by the Superintendent of Police on application of the owners of such conveyances, and it shall be lawful for the Court of Petty Sessions, on proof of the breach of any provision of this Act by the owner of any such conveyance as aforesaid, to give such owner notice to withdraw the number which may theretofore have been indicated to in manner aforesaid.

III. And it is hereby enacted, that every Teeka Bearer, Boatman, or other person employed in the conveyance of persons or goods as aforesaid by the owner of any such public conveyance shall wear, in manner as directed by the Superintendent of Police, a badge on the upper part of his right arm, with the number of the public conveyance to which he belongs, which badge shall be indicated by the said Superintendent; in default whereof every person so employed and not having such badge as aforesaid shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees.

IV. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions from time to time to settle the rates for the hire of such public conveyances as aforesaid, and the rates so settled, if sanctioned by the Governor of Bombay in Council, shall be published twice in the Government Gazette. And after such publication, if the owner or other person in charge of any such public conveyance as aforesaid shall receive or require any higher rate for the hire thereof, or shall refuse a fare upon tender of the prescribed rate, the person or persons on whose application the number of such public conveyance shall have been indicated as aforesaid, or the person receiving or requiring such higher rate or refusing such fare, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees. Provided always, that no person shall be deemed to be liable to the penalty in this Section unless the settled rate of hire shall have been duly tendered. And any person refusing to pay the money due from him for the hire of any such conveyance according to the rate settled as aforesaid, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees, and no contract for hire under the settled rate shall be valid or binding on any owner of a public conveyance.

V. And it is hereby enacted, that the Superintendent of Police shall keep a Register containing a full description of applicants receiving numbers under this Act, and of every conveyance for which any number is obtained, and of every person for whom any badge is obtained, and every offender using or authorising the use of any number or badge otherwise than for such particular conveyance or person, shall be liable, on summary conviction before the Court of Petty Sessions, to a fine not exceeding 100 Rupees.

VI. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions from time to time, to appoint stands for public Carriages and Palkees. And every person in charge of any Carriage or Palkee found loitering off any such stand for the purpose of hire shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Ten Rupees.

VII. And it is hereby provided, that nothing in this Act contained shall extend to prevent any person from letting to hire any conveyance for a month or longer period without any such number being applied for as aforesaid.

VIII. And it is hereby enacted, that all fines imposed by virtue of this Act shall be recoverable in manner provided for by Act II. of 1839.

STATE OFFENCES.

Act No. V. of 1841.

[*Passed on the* 31*st May*, 1841.

1. The ordinary tribunals may try charges of treason, rebellion, or other crime against the State.

2. The Government of any Presidency may issue a Commission for the trial of State offences.

3. The Courts under such Commissions are to try prisoners in the same manner as in trials before the Ordinary Courts; but all sentences to be reported to the highest Court of the East India Company previous to being executed.

4. In case of death or absence of any of the Judges, &c., the remaining ones shall be competent to be a Court until the vacancy is filled, &c.

5. The highest Courts of the East India Company are to proceed in cases under this Act according to the ordinary rules, but to report their sentences to the executive Government.

6. The Magistrates of the Zillahs, &c., where persons are charged with State offences shall give notice thereof to the Government of the Presidency, and obey orders sent to them.

7. This Act not to affect the jurisdiction of Her Majesty's Supreme Courts.

An Act for the greater uniformity of the process upon trials for State Offences, and the amendment of such process in certain cases.

Whereas it is expedient that the rules of process for the trials of State Offences should be modified with a view to uniformity

at the different Presidencies; and whereas some of the rules heretofore in force at particular Presidencies require amendment:

I. It is hereby enacted, in modification of all Regulations and parts of Regulations affecting process upon trials for State Offences that it shall be competent for the ordinary tribunals to try charges of treason, rebellion or other crime against the State.

II. And it is hereby enacted, that it shall be competent for the Government of any Presidency to issue a commission for the trial of any offences of treason, rebellion or crime against the State by one or more Judges, together with such Law Officers as shall be required, or without any such Officer, according as it may be deemed expedient.

III. And it is hereby enacted, that the Courts convened under such Commissions are to try the prisoners brought before them in the same manner as in trials before the Ordinary Courts; and shall exercise all powers and authorities vested in such Courts, except that their sentence, whether of acquittal or punishment, shall in every instance, be reported with their proceedings to the highest Court of the East India Company for criminal matters of the Presidency, previous to carrying the same into execution; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided by any Regulation of the respective Presidencies, or by any Act of the Governor General of India in Council, by the special orders which they may receive from the Executive Government, or from the highest Court of the East India Company, for criminal matters in the Presidency.

IV. And it is hereby enacted, that in case of the death, or of the absence from indisposition or other cause, of any of the Judges, or Law Officers of the Courts which may be appointed to try offenders under this Regulation, the remaining Judge or Judges, or Law Officer or Officers, shall be competent to form a Court and proceed with the trial or trials, until provision can be made by the Government of the Presidency for supplying the place of such Judge or Judges, or Law Officer or Officers, if any such provision shall be deemed necessary; or if no such provision be made, the powers and proceedings of the said Courts shall not be affected by the death or absence of such Judge or Judges, or Law Officer or Officers.

V. And it is hereby enacted, that the highest Courts of the East India Company for criminal matters of the respective Presidencies on the receipt of any trials referred to them under this Act, are to proceed thereupon according to the rules in force with respect to other trials referred to them; except that they are in every instance to report their sentences to the executive Government of the Presidency for the time being; and are to wait the orders of Government for the period of three calendar months before they direct their sentence to be carried into execution.

VI. And it is hereby enacted, that the Magistrates of the several Zillahs and Cities, where any person or persons shall be charged with the crimes mentioned in this Act, shall give immediate notice thereof to the Government of the Presidency to which their several Districts or Cities belong, and shall pay immediate and strict attention to all orders which may be transmitted to them by their respective Governments for the apprehension of persons charged as aforesaid, or for making any inquiry respecting such persons, or for committing them to take their trials before the Ordinary Courts, or before the Special Courts described in this Act.

VII. And it is hereby enacted, that this Act shall not be construed to alter or affect the jurisdiction of any of Her Majesty's Supreme Courts of Justice.

BENGAL.—RUM.

Act No. VI. of 1841.

[*Passed on the 7th June*, 1841.

1. Any person landing or attempting to land or introducing by land Rum or Rum Shrub, the produce of any foreign Country, or British possession into which foreign Sugar can be imported, such Rum or Rum Shrub shall be seized by the Collector, &c., and confiscated, &c., unless it come from a district authorized by Governor General in Council.

2. Owner of Rum or Rum Shrub wishing to have a Certificate of origin shall make, &c., a declaration in Form A., and annex to it a Certificate of its truth from Government Officer at Distillery where the Rum, &c., was manufactured.

3. Certificate to be in Form B., if the Rum, &c., comes from a District into which the importation of Foreign Sugar or Rum has not been authorized.

4. Persons intending to ship Rum or Rum Shrub for the United Kingdom may produce a Certificate to the Collector of Customs, and make and subscribe a Declaration in Form C.

5. Officer to Certify in Form D., unless he deems such Declaration fraudulent and untrue.

6. The above Certificates not to be given unless the Rum or Rum Shrub shall be the produce of a Distillery worked in the European method and under a License.

7. Rum or Rum Shrub for exportation shall be manufactured pure without admixture of Spirits made from Rice, Grain, or other substance not the produce of the Sugar Cane or of the Date or Palm-tree.

8. Rum, &c., adulterated or mixed contrary to the above prohibition to be confiscated.

9. Any person knowingly affirming an untruth in any Declaration, to be punished as for perjury; and persons procuring false affirmation to be punished as for subornation of perjury. Officer attesting Declaration as true, knowing it to be untrue, to be dismissed.

Schedules A. B. C. D.

An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort William in Bengal.

Repealed by Act VI., 1863.

JUDICIARY.—EVIDENCE.

ACT NO. VII. OF 1841.

[*Passed on the* 14*th June*, 1841.

1. Repeals all Regulations for taking evidence of absent witnesses.

2. Any Court or Judge, in any Civil proceeding, may order the examination upon interrogatories or otherwise, before any Officer, &c., of any witnesses within its jurisdiction, or may issue a Commission to a subordinate Court for that purpose out of its jurisdiction, and give directions, &c. Court to which Commission is directed shall examine witnesses in open Court, &c. How Commissions to be executed within local limits of Her Majesty's Courts shall be directed.

3. Witnesses within the jurisdiction may be ordered to attend at their own place of Residence or elsewhere, and to produce documents. Disobedience to order, a contempt of Court. Witnesses to be entitled to indemnity for expenses, &c.

4. Courts and persons authorized to take examinations in pursuance of this Act may take them upon oath or affirmation: and any person wilfully and corruptly giving false evidence shall be deemed guilty of perjury, and person procuring it, of subornation of perjury.

5. No order or commission to be issued for examination of witness unless the Court or Judge has reason to believe the witness will be unable to attend by reason of absence from the jurisdiction, &c. The Court, &c., to make particular inquiry as to present residence of witness, &c., and Commission to be directed to Court nearest such place of residence. Judge may execute Commission in his own Court or direct it to any inferior Court in his jurisdiction. Depositions under this Act, except, &c., not to be read unless the deponent is proved to be beyond the jurisdiction, or dead, or unable from sickness, &c., to attend personally, &c. Court may dispense with proof of such circumstances, or authorize the deposition to be read, notwithstanding alteration of circumstances. Depositions to be read without proof of signature to certificate.

6 Commissions to be executed within the local limits of Supreme Courts to be directed to a Court of Requests within the limits.

7. Commissions may be issued for execution within the Territories of Princes and States in alliance with the East India Company. Persons in service of East India Company required to obey such Commissions, &c.

8. Courts to which Commission is directed may punish disobedience to Commission as a contempt.

An Act for a more uniform and an improved process for taking the examination of absent witnesses.

I. It is hereby enacted, that all Regulations and parts of Regulations for taking the examination of absent witnesses in any Presidency, are hereby repealed.

II. And it is hereby enacted, that it shall be lawful for any Court within the Territories under the Government of the East India Company, and the several Judges thereof, in every Civil proceeding, depending in such Court, upon the application of any of the parties to such proceeding, to order the examination, upon interrogatories or otherwise, before any Officer of any such Court, or other person or persons named in such order, of any witnesses within the jurisdiction of the Court where the proceeding shall be depending; or to order a Commission to issue to any subordinate Court for the examination of such witnesses upon interrogatories or otherwise or to order a Commission to issue to any other Court for the examination of witnesses at any place or places out of such jurisdiction upon interrogatories or otherwise, and by the same or any subsequent order or orders to give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the proceeding shall be depending as without, as may appear reasonable and just; provided always, that any Court to whom any such Commission shall be directed shall take the ex-

amination in open Court in all cases where witnesses are able to attend in Court and are not exempted from attendance by law absolutely, or at the discretion of the Court. Provided also, that such Commissions as aforesaid for the examination of witnessess out of such jurisdiction may be directed otherwise than to some Court under special circumstances which may appear to the Court issuing the Commission to render such special direction expedient. Provided also, that all Commissions issued and Orders made by any Court of the East India Company, and which are required to be executed within the local limits of any of Her Majesty's Supreme Courts, shall be directed in manner hereinafter mentioned.

III. And it is hereby enacted, that when any Order shall be made for the examination of witnesses within the jurisdiction of the Court wherein any such proceedings as aforesaid shall be depending by the authority of this Act, it shall be lawful for the Court or any Judge thereof, in and by the first Order to be made in the matter, or any subsequent Order, to command the attendance of any such person to be named in such Order, and to direct the attendance of any such person to be at his own place of residence or elsewhere if necessary or convenient so to do, and to produce all necessary documents and papers. And the wilful disobedience to any such Order shall be deemed a contempt of Court and punishable as in other cases of refusing or neglecting to give testimony. Provided always, that every person whose attendance shall be required under this Act shall be entitled to the like payment for expenses and loss of time as upon attendance in Court in cases where such expenses are now allowed.

IV. And it is hereby enacted, that it shall be lawful for every Court or person authorised to take the examination of witnesses by any Order or Commission issued in pursuance of this Act, and they are hereby authorised and required to take all such examinations upon oath or affirmation where an affirmation is admissible or required upon a trial, and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and every person causing or procuring another person to commit the offence of perjury hereby defined shall be guilty of subornation of perjury.

V. And it is hereby enacted, that before any Order or Commission for the examination of any witnesses under this Act shall be issued, the Court or Judge, issuing the same shall be satisfied that there is good reason for believing that the witness will be unable to attend at the usual time for examination by reason of absence from the jurisdiction, sickness, or other cause allowed by law. And before granting any such Commission, the Court granting the same shall make particular inquiry as to the present residence of the witness whose deposition is to be taken under such Commission, and as to the Court of the same degree as the Court granting such Commission, or of inferior degree to such Court which may be nearest to the place of residence of the witness, and the Commission shall ordinarily be directed to such Court of equal or inferior degree as may most conveniently execute the same. Provided, however, that if there be doubt as to which is the most convenient Court of equal or inferior jurisdiction, such Commission may be directed to the Judge having jurisdiction within the district within which the Commission is to be executed. And the judge shall at his discretion execute the Commission in his own Court, or direct it to any subordinate Court within his district, which shall have the same effect for all the purposes of this Act as if the Commission had in the first instance been directed to such subordinate Court. And no deposition taken under this Act, except as hereinafter mentioned, shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant without collusion more than 50 coss from the place where the Court is held, or exempted by law, absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall at its discretion dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence notwithstanding proof that the causes for taking such depositions have ceased at the time of reading the same: and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court at its discretion to authorize the reading of the deposition. And all depositions taken under this Act, being duly certified, may be

read, at the discretion of the Court, without proof of the signature to such certificate. [See Act X., 1855, s. 13, and Act XIX., 1853, s. 32.]

VI. And it is hereby enacted, that any Court other than one of Her Majesty's Courts, or any Judge thereof, may issue such Commissions as aforesaid, and such Orders as are indicated in the second and third Sections of this Act to be executed within the local limits of the jurisdiction of any of Her Majesty's Courts, and all such Commissions and Orders except when directed otherwise than to a Court, shall be directed to a Court of Requests having jurisdiction within such limits or any part thereof.

VII. And it is hereby enacted, that such Commissions and Orders as aforesaid may be issued for execution under this Act within the Territories of Princes and States in alliance with the East India Company, and all persons within such last-mentioned Territories, being in the service of the East India Company, are hereby required to pay obedience thereto, and for disobedience thereof shall, on being found within the jurisdiction of the Court or Judge issuing any such Commission or Order, be punishable in like manner, as if such offence had been committed within such jurisdiction; and for giving false testimony under the same shall be punishable by any Court of Justice within the Territories of the East India Company.

VIII. And it is hereby enacted, that whenever the evidence of any absent witness shall be required out of the jurisdiction of the Court in which the proceedings for which the evidence is wanted may be pending, and the Commission shall be directed to any Court, such Court may punish the wilful disobedience of any such Order as aforesaid as a contempt, notwithstanding it shall not itself have made such Order, with the same amount of punishment as in other cases of refusing or neglecting to give testimony.

Repealed by Act X., 1861, as to parts where the Code of Civil Procedure is in operation.

INTERPLEADER.

ACT NO. VIII. OF 1841.

[*Passed on the* 21*st June*, 1841.

1. Person sued at Law, in Assumpsit, Debt, Detinue or Trover, for money

or goods wherein he has no interest, and also claimed by some third party, may, in case he does not collude with such third party be relieved by Court in such manner as the Court may order, either by a feigned issue or in a summary manner.

1. The judgment in the issue, &c., directed by the Court, and the decision on the summary proceeding, shall be final and conclusive.

3. If the third party making the claim does not appear to support his claim, the Court may declare him for ever barred from prosecuting his claim against the original Defendant, but he may still prosecute his claim against the original Plaintiff.

4. Orders made by a single Judge liable to be rescinded by the Court like other orders made by a single Judge.

5. Proceedings commenced before a single Judge may by him be referred to the Court, which may dispose of the matter as if the proceeding had commenced by rule of Court.

6. Empowers the Court to grant the like relief to Sheriffs and other Officers having the execution of process, in case goods seized by them are claimed by third parties.

7. Rules, &c., to be entered of Record; Rule, &c., entered of Record to have the force of Judgment, and costs directed by it to be paid may be recovered by *Fieri Facias*, &c.

An Act to enable Her Majesty's Supreme Courts within the Territories of the East India Company to give relief against adverse claims made upon persons having no interest in the subject of such claims.

I., II., III., IV., V., VI. Superseded on the establishment of the High Courts, whose procedure is the Code of Civil Procedure, Act VIII., 1859.

VII. And it is hereby enacted, that all Rules, Orders, Matters and Decisions to be made and done in pursuance of this Act except only the Affidavits to be filed, may, together with declaration in the cause if any, be entered of record with a note in the margin, expressing the true date of such entry, to the end that the same may be evidence in future times if required, and to secure and enforce the payment of costs directed by any such Rule or Order, and every such Rule or Order so entered shall have the force and effect of a judgment except only as to becoming a charge on any Lands, Tenements or Hereditaments; and in case any costs shall not be paid within fifteen days after notice of the taxation and amount thereof given to the party ordered to pay the same, his Agent or Attorney, execution may issue for the same by *Fieri Facias*, or *Capias ad satisfaciendum*,

adapted to the case, together with the costs of such entry, and of the execution if by *Fieri Facias*, and such Writ or Writs may bear Teste on the day of issuing the same, whether in term or vacation, and the Sheriff or other Officer executing any such Writ shall be entitled to the same fees, and no more as upon any similar Writ grounded upon a judgment of the Court.

BENGAL.—ABKAREE REVENUE.

ACT No. IX. OF 1841.

[*Passed on the 28th June*, 1841.

1. Modifies Section 14, Act XXV., 1840. Offenders under that Section punishable with fine not exceeding 200 Rupees, or imprisonment not exceeding 3 months; or to like imprisonment if fine not paid. Sentence to be adjudged by Superintendent of Abkaree Revenue.

An Act concerning the adjudication of certain penalties imposed by Act XXV. of 1840, for the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.

Repealed by Act XXI., 1856.

SHIP REGISTER ACT.

ACT No. X. OF 1841.

[*Passed on the 5th July*, 1841.

1. Preamble Enacts: No ship, &c., to be deemed a British Ship unless it is registered and a Certificate in the form set forth has been obtained. Form of Certificate.

2. What shall be registering ports. Ships built at other places, may make voyage to intended port under a specified Certificate, and shall be deemed British Ships whilst proceeding on such voyage.

3. Registrars under former law to be Registrars under present.

4. At every registering port a book of registry to be kept.

5. Declaration to be made, &c., by owner, &c, of ship before it is registered. Form of Declaration.

6. What further declaration shall be made, if the required number of owners do not attend.

7. In order to secure a correct Certificate, Government may appoint proper persons to examine and admeasure every ship, &c., who shall certify the measurement, &c.

8. The rules by which the measurement shall be made.

9. In what manner the measurement of steam vessels shall be made.

10. An alteration in the cubical contents of the engine room shall render a new registry necessary.

11. In what manner the measurement of ships having their cargo on board shall be made.

12. The registered tonnage of every ship to be carved in figures and on the main beam of every ship prior to being registered.

13. Country craft not exceeding 200 tons may be registered according to rules prescribed by Local Governments.

14. Registered tonnage to be ever after deemed the true tonnage, unless an alteration be made in the burden of the ship, or unless error in computation is discovered.

15. If Certificate of registry shall be sold, lent, or otherwise disposed of, for use, &c., not intended, with privity, &c., of master or owner, party offending shall be liable to penalty not exceeding 10,000 Rupees. In case ship is lost or taken by the enemy, burnt or broken up, &c., or registered *de novo*, the Certificate of registry preserved shall be delivered up, &c, to Registering Officer, or in default thereof master or owners to be liable to penalty not exceeding 5,000 Rupees. In case of change of ownership Certificate to be delivered up to Registering Officer, &c., and in default thereof master or owner to be liable to penalty not exceeding 5,000 Rupees.

16. In case of change of master, the change to be indorsed, &c., on certificate of registry, &c.

17. Registered name of ship not to be changed. Name of ship to be painted in white or red letters on a black ground at stern of the ship, and if wilfully altered, erased, &c, masters or owners, &c., to be liable to penalty not exceeding 10,000 Rupees.

18. Persons applying for Certificate of Registry shall produce a full particular by the builder, or other sufficient evidence of the time and place where the ship was built, and of her tonnage, &c.

19. If Certificate of Registry is lost or mislaid, the Registering Officer, &c., may permit ship to be registered *de novo*, and grant a new Certificate. If Certificate is afterwards found, it shall be delivered up, &c.

20. Persons detaining the Certificate of Registry, &c., shall, on conviction, be liable to penalty of 1,000 Rupees, after which the Registering Officer may register ship *de novo* and grant new Certificate, &c.

21. If ship is altered so as no longer to correspond with her register, or if the ownership is altered, she shall be registered *de novo*.

22. To prevent the necessity of subpœnaing Registering Officer, copies and extracts of Registry, &c., shall be evidence, &c.

23. Any person making false declaration, or counterfeiting, &c., any Certificate, &c., shall be liable to penalty not exceeding 10,000 Rupees.

24. If Registered vessel comes to be owned by Native Prince or State, the Government of any Presidency may continue to such ship the privileges of a

British Ship by a pass, &c, stating the period, &c., for which it is to last. And the like pass may be granted to ships built within the dominions of such Native Prince or State, &c.

25. The fees payable for Certificate or Pass to be fixed by the Governor General in Council.

26. Ships to be deemed to belong to the ports at which they are registered, &c. Proclamation.

An Act for prescribing the Rules to be observed, in order that ships or vessels belonging to ports within the Territories under the Government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council, made in pursuance of the Statute 3rd and 4th Victoria, Ch. 56.

Whereas, by a Statute passed in the 3rd and 4th years of Her Majesty Queen Victoria, entitled "An Act to regulate the trade of ships built and trading within the limits of the East India Company's Charter," it is enacted "That it is shall be lawful for the Governor General of India in Council, by Proclamation, to declare that all ships or vessels built or to be built within the limits of the Charter of the East India Company, being owned by Her Majesty's subjects for whom the said Governor General in Council has power to legislate, and belonging, under the Regulations hereinafter provided for, to any ports in the Territories under the Government of the said Company, shall be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope, and the Territories and Dependencies thereof; provided that upon such declaration being made the said Governor General in Council shall, and the said Governor General in Council is hereby accordingly empowered to make Regulations, to be enforced by suitable penalties, concerning the registering, licensing, and ascertaining the admeasurement of the tonnage and burden, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas it is further enacted in the same Statute as follows, that is to say:—"And whereas it may be expedient to admit to similar privileges and advantages any ships or vessels belonging to Native Princes or States in subordinate alliance with, or having subsidiary treaties with the East India Company, or owned by subjects of

any such Princes or States, be it therefore enacted that the Governor General of India in Council may, by such Regulations as aforesaid, such regulations being subject as aforesaid, admit to the privileges and advantages of British ships for the purposes of trade within the limits of the Charter of the said Company, including the Cape of Good Hope, and the Territories and Dependencies thereof, or to any of such privileges and advantages, any ships or vessels belonging to such Princes or States, or any of them, or owned by subjects of any such Princes or States; but any such Regulations shall provide for the granting to such ships or vessels fit and convenient licenses or passes, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas in pursuance of such enactments, it is expedient to frame such Regulations as are mentioned therein the compliance with which shall be required in order that ships or vessels may be deemed British ships, or be admitted to the privileges and advantages of British ships under such Proclamation as aforesaid:

I. It is hereby enacted, that no ship or vessel shall be deemed a British ship under such Proclamation as aforesaid (except as regards ships or vessels registered before the passing of this Act, or having a pass at the time of passing thereof) unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned within the Territories of the East India Company, and shall have obtained a certificate of such registry from the person or persons authorised to make such registry and grant such certificate as hereinafter directed; the form of which certificate shall be as follows:—

"This is to certify, that in pursuance of the Act No. X. of 1841, of the Governor General of India in Council (here insert the names and occupation and residence of subscribing owners) having made and subscribed the declaration required by the said Act, and having declared that (he or they) together with (names, occupations, and residence of non-subscribing owners,) (is or are) sole owner or owners, in the proportions specified on the back hereof, of the ship or vessel called the (ship's name) of (place at which the vessel shall be registered) which is of the burthen of (number of tons), and whereof (master's name) is master,

and that the said ship or vessel was (when and where built) and (name and employment of Surveying Officer) having certified to us, that the said ship or vessel has (number) decks and (number) masts, that her (here insert the measurement as ascertained by the rules hereinafter mentioned) that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carved or clincher) built, has (whether any or no) gallery, and (kind of head, if any) head: and the said subscribing owners having consented and agreed to the above description, the said ship or vessel called the (name) has been duly registered at the port of (name of port), certified under our hands at the Custom House, in the said port of (name of port), this (date) day of (name of month) in the year (words at length).

"(Signed)———— Collector or Registrar of Shipping.

"And on the back of such certificate of registry, there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following:—

Names of several Owners within mentioned.	Number of Shares held by each Owner.
"Name	Thirty-two.
"Name	Sixteen.
"Name	Eight

"&c. &c.

"(Signed)———Collector."

II And it is hereby enacted, that the ports at which registration shall be made, shall be the ports of Calcutta, Madras, Bombay, Singapore, and such other places subordinate to the Local Governments of India, as such Governments respectively may, from time to time, declare to be registering ports under this Act. Provided, that ships or vessels built at any place other than any of such ports, shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered, under a certificate to be granted by the principal British Officer at the place where the ship is built, or if there be no British Officer in authority there, then by three merchants of such place, which certificate shall contain all the

particulars with regard to the ownership and description of the ships or vessels contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act, during the first voyage from the place of building to the ports at which the ships or vessels respectively shall be afterwards registered. Provided that such ships or vessels so proceeding on their first voyage as aforesaid shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not registered within a reasonable time after their arrival at the port of registry, the owner or owners, or master or other person having or taking the command or charge of such ship or vessel shall be liable on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies to a penalty not exceeding 5,000 Rupees.

III. And it is hereby enacted, that the persons authorized to make such registry and to grant such certificates as aforesaid, shall be the persons now authorized to make registry of ships or vessels under the Statute 3 and 4 W. 4., Ch. 55, and such other or different persons as the Local Governments may from time to time appoint for the ports under their respective Presidencies.

IV. And it is hereby enacted, that at every port where registry shall be made in pursuance of this Act, a book shall be kept by the Registering Officer, in which all the particulars contained in the form of the certificate of the registry hereinbefore directed to be used shall be duly entered; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year. And such Registering Officer shall forthwith, or within one month at the furthest, send to the Government of the Presidency to which he is subordinate, a true and exact copy, together with the number of every certificate which shall be by him so granted.

V. And it is hereby enacted, that no registry shall henceforth be made, or certificate be granted, until the following declaration be made or subscribed before the Registering Officer, by the owner, or major part of the owners, of the ship or vessel required to be registered:—

I, A. B., of (place of residence and occupation) do truly

declare that the ship or vessel (name) of (port or place) whereof (master's name) is at present master, being (kind of build, burthen, et cetera, as described in the certificate of the Surveying Officer), was (when and where) built, and that I, the said (A. B.) and the other owners (names and occupations, if any, and where they respectively reside) am (or are) sole owner (or owners) of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I, the said (A. B.) and the said other owners (if any) am (or are) truly and *bonâ fide* a subject (or subjects) of Her Majesty, for whom the Governor General of India in Council, has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship or vessel. Provided that if the Registering Officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate, and his discretion exercised in this behalf shall be subject only to an appeal to the Local Government to which he is subordinate.

VI. And it is hereby enacted, that in case the required number of joint owners of any ship or vessel shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner or owners as shall personally attend and make and subscribe the declarations aforesaid, shall further declare that the part owner or part owners of such ship or vessel then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe to the said declaration.

VII. And in order to enable the Registering Officer to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other Officers of Customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted, it is hereby enacted, that previous

to the registering or granting of any certificate of registry as aforesaid some one or more person or persons appointed by the Local Governments respectively, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships, shall go on board of every such ship or vessel that is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate hereinbefore directed in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited to the Officer authorized to make such registry and grant such certificate of registry as aforesaid; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such Surveying or Examining Officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

VIII. And it is hereby enacted, that from and after the commencement of this Act the tonnage of every ship or vessel required by law to be registered, shall, previous to her being registered be measured and ascertained while her hold is clear, and according to the following rule, that is to say:—Divide the length of the upper deck between the afterpart of the stem and the forepart of the sternpost into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot, the depths from the underside of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts and measure the inside breadths at the following points, videlicet, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of

the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths: add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths, then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register. If the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth and height of such part thereof as may be included within the bulk head; multiply these three measurements together and dividing the product by 92·4, the quotient will be the number of tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

IX. And it is hereby provided, that in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel. The tonnage due to the cubical contents of the engine room shall be determined in the following manner, that is to say:—Measure the inside length of the engine room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92·4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine room.

X. Repealed by Act XI., 1850.

XI. And it is hereby enacted, that for the purpose of ascertaining the tonnage of all such ships whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and

is hereby established, that is to say:—Measure, first, the length on the upper deck between the afterpart of the stem and the forepart of the stern-post; secondly, the inside breadth on the underside of the upper deck at the middle point of the length; and, thirdly, the depth from the underside of the upper deck down the pump-well to the skin, multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ships.

XII. And it is hereby enacted, that the true amount of the register tonnage of every merchant ship or vessel belonging to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length, on the main beam of every such ship or vessel, prior to her being registered.

XIII. And it is hereby provided, that Country craft employed in coasting voyages not exceeding the burden of 200 tons, may be registered and the tonnage marked according to rules to be prescribed from time to time by the respective Local Governments. [Repealed by Act XI., 1850.]

XIV. And it is hereby enacted, that whenever the tonnage of any ship or vessel shall have been ascertained according to the rules herein prescribed, such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form and burthen of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

XV. And it is hereby enacted, that if such certificate as aforesaid shall be sold, lent or otherwise disposed of to any person or persons whatever than those for whose use it is granted, or shall be made use of for the service of any other ship or vessel than the ship or vessel for which it is granted, such certificate shall thenceforth be utterly void, and the master or any owner of the ship or vessel who shall be proved to have sold, lent or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable, upon conviction by information as aforesaid, to a penalty not exceeding 10,000 rupees. And in case such ship or vessel

shall be lost or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown or the East India Company, or shall, under any circumstances, have been registered *de novo*, the certificate, if preserved, shall be delivered up within one month after the arrival of the master in any port or place in the Territories of the East India Company to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction by information as aforesaid, to a penalty not exceeding 5,000 rupees. And if any person, not being such subject as aforesaid, shall purchase or otherwise become entitled to the whole or any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of the Territories of the East India Company, then and in such case the certificate of registry shall within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the Registering Officer at such port, and if such ship or vessel shall be in any place not within the Territories of the East India Company when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or vessel, or of the master thereof in any port of the Territories of the East India Company to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable on conviction before any Justice of the Peace in a penalty not exceeding 5,000 rupees, recoverable in manner provided by Act No. II. of 1839.

XVI. And it is hereby enacted, that when and so often as the master of any ship or vessel registered in manner hereinbefore directed shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons hereinbefore authorized to make such registry and grant such certificate of registry at the port where such change shall take place, if it be a port within the Territories of the East India Company, the certificate of registry belonging to such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall

forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers, which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within the Territories of the East India Company, then such delivery, memorandum, and indorsement shall be made and notice given at the first port within the Territories of the East India Company at which the new master shall arrive after such change, in default of which delivery of the certificate such new master or any of the owners shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding 5,000 rupees, recoverable as aforesaid.

XVII. And it is hereby enacted, that it shall not be lawful for any owner or owners of any ship or vessel, to give any name to such ship or vessel other than that by which she was first registered in pursuance of this Act, and that the owner or owners of all and every ship or vessel which shall be so registered, shall, before such ship or vessel, after such registry, shall begin to take in any cargo, paint, or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs in a distinct and legible manner, and shall so keep and preserve the same, and that if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in any wise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper, or other document describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described by any other name to any Officer or Officers of Revenue in the due execution of his or their duty, then and in every such case the certificate of registry shall thenceforth become utterly void,

and such owner or owners, or master or other person having or taking the charge or command of such ship or vessel shall be liable on information as aforesaid to a penalty not exceeding 10,000 rupees.

XVIII. And it is hereby enacted, that all and every person and persons who shall apply for a certificate of the registry of any ship or vessel shall, and they are hereby required to produce, to the person or persons authorized to grant such certificate, a true and full particular under the hand of the builder of such ship or vessel, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate, that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid.

XIX. And it is hereby enacted, that if the certificate of registry of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship is registered, such Officer shall and may, where the certificate shall have been lost or mislaid, permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted. Provided always that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such Registering Officer shall and may grant a license for the present use of such ship or vessel, which license shall for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act. Provided always that if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper Officers of Customs to be cancelled and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and license shall thence-

forth become utterly void, and any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable on conviction before any Justice in a penalty not exceeding 5,000 rupees recoverable as aforesaid.

XX. And whereas it is not proper that any person under any pretence whatever should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted, it is therefore hereby enacted, that in case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any such ship or vessel (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or vessel, or not) shall wilfully detain and refuse to deliver up the same to the proper Officers of Customs, for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed master, or as the ostensible and reputed owner or owners thereof, it may and shall be lawful to and for any such last-mentioned person to make complaint on oath of such detainer and refusal to any Justice of the Peace residing near to the place where such detainer and refusal shall be, and on such complaint the said Justice shall and is hereby required by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal, and if it shall appear to the said Justice on examination of such person or otherwise that the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be subject on conviction before such Justice to a penalty not exceeding 1,000 rupees, recoverable as aforesaid, and the said Justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel who shall on the terms and conditions of law being complied with make registry of such ship or vessel *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered *de novo*, and if the person who shall have detained and refused to deliver up such

certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said warrant of the Justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship or vessel was registered, it shall be lawful for the said Officer to permit such ship or vessel to be registered *de novo*, or otherwise, in his discretion, to grant a license for the present use of such ship or vessel in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

XXI. And it is hereby enacted, that if any ship or vessel after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or vessel, or of any share or shares thereof, in such cases such ship or vessel shall be registered *de novo* in manner hereinbefore required, as soon as she returns to the port to which she belongs, or to any other port within the Territories of the East India Company, on failure whereof such ship or vessel shall be deemed to be a ship or vessel not duly registered, and any person making use of a certificate for the purposes of any ship or vessel which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable, on conviction before any Justice, to a penalty not exceeding 5,000 rupees, recoverable as aforesaid.

XXII. And whereas great inconvenience may arise from the Registering Officers being served with subpœnas requiring them to bring with them and produce, on trials in Courts of Law relative to the ownership of vessels or otherwise, the declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry, or copies or extracts therefrom. And whereas it would tend much to the despatch of business if the attendance of such Registering Officers with the same upon such trials were dispensed with: it is therefore hereby enacted, that the Registering Officer at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examina-

tion any declaration made by any such owner or owners, and also any register or entry in any book or books of registry required, and shall upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies, or an extract or extracts thereof respectively, and that the copy and copies of any such oath or declaration, register or entry, shall, upon being proved to be true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law without the production of the original or originals, and without the testimony or attendance of any Registering Officer, or other person or persons acting for them respectively, in all cases, as fully and to all intents and purposes as such originals if produced by any Registering Officer, or other person or persons acting for them, could or might legally be admitted or received in evidence.

XXIII. And it is hereby enacted, that if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, falsified, or shall wilfully grant such certificate or other instrument in writing knowing it to be false, such person or persons shall for every such offence be liable, on conviction upon information as aforesaid, to a penalty not exceeding 10,000 rupees. And if any such offence be committed by the owner of any ship or vessel, the certificate of such ship or vessel shall thenceforth be wholly void.

XXIV. And it is hereby enacted, that when any ship or vessel duly registered under this Act, or sailing under the British Navigation Law, shall come to be owned by a Native Prince or State, or by any subject of such Native Prince or State as aforesaid, it shall be lawful for the Government of Fort William in Bengal, or for the Governor in Council of any Presidency to continue to such ship or vessel the privileges and advantages of a British ship for the purposes aforesaid by a pass to be issued under the Company's Seal and subscribed by a Secretary to Government stating the voyage or voyages for which the same is to have effect, and the period for which it is to last; and it shall be lawful for

the Governor of Fort William in Bengal, or the Governor in Council of any Presidency, to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid under this Act to any ship or vessel built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of their subjects, provided always, that the ships belonging to Native Princes or States, or their subjects, in respect of which passes may be granted under this Act, shall, during the voyage or voyages, or the period for which any such pass shall be granted, be commanded by a subject of Her Majesty for whom the Governor General in Council has power to legislate. [Supplemented by Act XI., 1850, s. 2.]

XXV. And it is hereby enacted, that the fees demandable in respect of the granting any certificate or pass under this Act shall be fixed from time to time according to the directions of the Governor General in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships or vessels at the different Presidencies.

XXVI. And it is hereby declared and enacted, that all ships or vessels registered under this Act, shall be deemed to belong to the ports at which they shall be respectively registered. And all ships or vessels being registered or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall for the purpose of being deemed British ships be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. And such ships or vessels built and owned as required by the Statute 3 and 4 Vict., Cap. 56, shall continue subject to all the rules in force at the respective Presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretofore have been necessary in order that ships or vessels built and owned as aforesaid might be deemed British ships for the purposes of trade.

PROCLAMATION.

The Governor General of India in Council hereby declares that all ships and vessels built or to be built within the limits of

the Charter of the East India Company (as those limits are defined by the Statute 3rd and 4th of Queen Victoria, Cap. 56, entitled, "An Act to further regulate the trade of ships built and trading within the limits of the East India Company's Charter,") being owned by Her Majesty's subjects for whom the said Governor General in Council has power to legislate, and belonging under the provisions of the Act passed by the Governor General in Council, No. X. of 1841, to any ports in the Territories under the Government of the East India Company, shall be deemed to be British ships for all purposes of trade within the said limits, including the Cape of Good Hope and the Territories and Dependencies thereof.

Amended by Act XI., 1850, which is to be construed as part of Act X., 1841.

MILITARY COURTS OF REQUESTS.

Act No. XI. of 1841.

[*Passed on the 5th July*, 1841.

1. Repeals all Regulations concerning Military Courts of Requests. Act not to affect the jurisdiction of a single Officer in Madras and Bombay for trial of small suits, &c.

2. Actions against Native Officers, &c., shall be cognizable before a Military Court if value does not exceed 200 Rupees. But disputes of caste and concerning real property not to be determined before Military Court.

3. Commanding Officer to convene Military Court. Court to be composed according to orders of Commander-in-Chief, or, in absence of orders, according to discretion of Convening Officer, of 3 European or Native Commissioned Officers, and if of Native, with one European Officer to superintend, &c.

4. Such Courts to be held monthly before pay day

5. Forms of proceeding to be conformable to usages of Courts Martial. Court may summon witnesses and examine or dispense with attendance of parties at discretion, and may exercise powers created by Act VII., 1841, &c.

6. Witnesses omiting to attend, refusing to give evidence, &c., to be tried and punished, if amenable to Articles of War, by Court Martial; if not so amenable, in the nearest Court of the East India Company, &c.

7. Any person using menacing words, &c., or otherwise interrupting the proceedings of Court, to be tried and punished by like Courts respectively.

8. A record to be kept of every case tried before Military Court of Requests, &c., and to be transmitted to the Officer Commanding the Station or Cantonment.

9. Where demand exceeds 200 Rupees, only that sum to be recoverable from one defendant by one plaintiff. Court may allow interest agreed upon not exceeding the rate established by usage. Contracts to be in writing, if debt exceeds 20 Rupees and is not for goods bought and delivered. Debts not recoverable after six years, unless promise to pay within that period.

10. Court may proceed in absence of the party, if he makes default after being duly required to produce his witnesses.

11. Commanding Officer may return proceedings for revision by the same or another Court. Second decree to be final, except in case of error of law. In case of new trial, further evidence may be received.

12. Plaintiff to prefer his claim in writing and deliver to the Station Officer. Claims to be scheduled and sent by Station Officer to Adjutants, &c.

13. Every decree of any Military Court of Requests to be published in Station Orders.

14. The execution of decrees may be either general or special.

15. Under general execution, if debt not paid forthwith, it may be levied on Debtor's Goods anywhere, and if Goods not sufficient, the debtor, unless a Soldier, may be imprisoned for two months and his Goods taken afterwards; and if a Soldier, it may be deducted from his pay.

16. Special execution may be satisfied out of pay and allowances of debtor. But not more than half of the pay, &c., of Commissioned Officers, or one-fourth of Non-Commissioned or Soldiers, to be stopped in any one month.

17. Beyond the Frontier, action to be for any amount, with appeal to the Sudder Adawlut of nearest Presidency if amount exceed 200 Rupees.

18. Act not to affect proceedings commenced before 10th August.

An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the Service of the East India Company.

I. It is hereby enacted, that all Regulations and parts of Regulations concerning Military Courts of Requests are repealed; provided always, that nothing in this Act contained shall be held to alter or affect the jurisdiction of a single Officer duly authorized and appointed under the Rules in force in the Madras and Bombay Presidencies for the trial of small suits in Military Bazaars at Cantonments and Stations occupied by the Troops of those Presidencies respectively, or the trial by Punchayet of suits against Military persons according to the Rules in force under the Madras Presidency.

II. And it is hereby enacted, subject to the aforesaid proviso, that within the Territories of the East India Company actions of debt and other personal actions against Native Officers, Soldiers, and other persons amenable to the Articles of War for the Native

Forces in the Military Service of the East India Company, or residing within any Station or Cantonment, and carrying on any trade or business in a Military Bazaar, shall be cognizable before a Military Court and not elsewhere, provided the value in question shall not exceed 200 Rupees, and the defendant was a person of the description above-mentioned when the cause of action arose, and when the suit was instituted. Provided that no suit shall be brought before any Military Court under this Act to determine any dispute of caste or concerning any right to real property.

III. And it is hereby enacted, that the Commanding Officer of any Station or Cantonment, or Officer commanding any portion of Troops in the field, is authorized to convene such Military Courts. And such Courts shall be composed, according to the orders of the Commander-in-Chief for the time being of the Presidency within which the Station or Cantonment is situate, or, in the absence of such orders, according to the discretion of the Convening Officer, either of not less than three European Commissioned Officers, or of not less than three Native Commissioned Officers, and, in the latter case, with a European Officer of not less than five years' standing to superintend and record the proceedings. Provided that if there be not a sufficient number of Officers to constitute a Court at the Station or Cantonment where any cause of action may arise, or where the defendant may be residing, the suit shall be determined at the nearest Station or Cantonment where a Military Court can be duly constituted as aforesaid.

IV. And it is hereby enacted, that such Military Courts shall be convened monthly, and shall be holden on some convenient day before the issue of the pay for each month.

V. And it is hereby enacted, that the forms of proceeding in every such Court shall be conformable to the usages observed on trials before Courts Martial held for the Native Troops in the service of the East India Company, so far as the same are applicable. And any such Court shall have the like power of summoning witnesses as is possessed by Courts Martial. Provided always, that every such Court shall have the power of examining the parties to any suit, and of requiring or dispensing with their attendance at its discretion. And every such Court shall have the like power of taking the examinations of absent parties and witnesses as is possessed by the Civil Courts of the

East India Company, under Act No. VII. of 1841, provided that the depositions taken under a Commission issued by any Military Court of Requests shall be receivable in evidence before any such Court subsequently held: Provided also that Commissions may be issued by Military Courts of Requests under this Act pursuant to the provisions of Act No. VII. of 1841, notwithstanding the Courts to which the Commissions may be directed are not situate beyond the jurisdiction of such Military Courts.

VI. And it is hereby enacted, that witnesses omitting to attend, refusing to give evidence, or committing perjury, and persons suborning witnesses to commit perjury, shall be tried and punished, if amenable to Articles of War, by a Court Martial, subject to all the Rules contained in such Articles of War for the punishment of such offences in regard to trials for Military offences; and if not amenable to Articles of War, they may be tried and punished in the nearest of the Courts of the East India Company for the administration of Criminal Justice (whether such Court have ordinarily jurisdiction over such person in Criminal matters or not), in like manner as if such offences had been committed in regard to any trial before such nearest Court.

VII. And it is hereby enacted, that any person, Civil or Military, European or Native, using menacing words, signs, or gestures, or otherwise interrupting (whether being personally present or not) the proceedings of any Military Court of Requests, shall be punishable, if amenable to Articles of War, by a Court Martial, or if not amenable to Articles of War, in the nearest of the Courts of the East India Company for the administration of Criminal Justice (whether such Court have ordinarily jurisdiction over such person in Criminal matters or not) in like manner as if the offence had been committed in regard to any proceeding of the Court to which it is so referred.

VIII. And it is hereby enacted, that a record shall be kept of proceedings in every case tried before any Military Court of Requests. And such record shall contain the substance of the evidence given and the nature of such evidence as may have been rejected on the ground of its not being legally admissible, or relevant, or on other grounds, and the same shall be signed by the Members of the said Court. And such record, or a copy thereof, shall, with as little delay as is practicable, after the con-

clusion of the proceedings, be transmitted by the European President, or Superintending Officer of every such Court to the Officer Commanding the Station or Cantonment.

IX. And it is hereby enacted, that where a demand shall exceed the amount of 200 Rupees, or where several separate demands shall exceed such amount, no more shall be recoverable from any one defendant by the same plaintiff or plaintiffs than the sum of 200 Rupees only—and the judgment in respect of any demand in a Court of Requests shall be a bar to the recovery of the same demand or of any other or further demand for the same cause of action in any other Court whatever, provided that the liability accrued before the time of instituting the suit in the Military Court—and it shall be competent for every such Military Court to investigate any counter claim alleged by any defendant. And it shall be competent for every such Military Court to allow the interest for money agreed on between the parties, provided the same does not exceed the usage of the country in ordinary money transactions. And every contract made after the passing of this Act upon which a demand for debt exceeding 20 Rupees is founded, not being money due for goods bought and delivered, shall be in writing, and expressed in the language of the defendant, and signed by him, or on his behalf by some other person than the plaintiff. Provided that it shall not be competent to any Court of Requests to admit any suit for a debt which has accrued upwards of six years, unless a direct promise to pay made within the six years of the commencement of the suit be proved.

X. And it is hereby enacted that on failure of either of the parties to a suit to attend, either personally or by representative, or to produce his witnesses according as he shall be required by any Military Court of Requests, such Court, on being satisfied that the party has been duly apprized of what is required of him, may proceed to the termination of the suit in his absence. And if the decree in any such case shall be against the plaintiff, it shall not be competent for him to commence a new suit for the same cause of action.

XI. And it is hereby enacted that it shall be lawful for the Commanding Officer to whom the proceedings have been transmitted as aforesaid to return the same for revision either by the same or another Military Court of Request. And in every such

case the second decree shall be final, unless for error in points of law, when the same shall be transmitted to the Commander-in-Chief, who shall have power to annul the proceedings without prejudice to any future suit. Provided always that in the case of any new trial the Court may receive evidence which was not adduced at the first trial.

XII. And it is hereby enacted that every plaintiff shall prefer his claim in writing, and shall deliver the same to the Station Staff Officer. The claims shall be entered in a Schedule by the Station Staff Officer, which Schedule is to be sent to Adjutants of Corps or Heads of Departments two days at least before the assembly of the Court, and the Adjutants or Heads of Departments shall be responsible that the defendants belonging to their respective Corps or Establishments have been duly summoned.

XIII. And it is hereby enacted, that every decree of any Military Court of Requests shall be published in the Station Orders before the same is executed.

XIV. And it is hereby enacted that the execution of decrees of Military Courts of Requests may be either general or special, according to the sentence of the Court. Provided always that the Commanding Officer may, notwithstanding the direction of the Court, order that the execution shall be general or special at his discretion.

XV. And it is hereby enacted that in cases in which the execution is to be general, the debt, if not paid forthwith, shall, under the authority of the Commanding Officer in writing to be signed by him, be levied by seizure and public sale of such of the Debtor's Goods (under which term are included houses or other erections within the limits of Stations and Cantonments) as may be found within the limits of the Station or Cantonment, or elsewhere; and if sufficient Goods are not to be found, the debtor, if not a Soldier, shall be arrested and imprisoned in any Civil Gaol near to the Station or Cantonment (for which purpose the provisions of Act No. II. of 1840 shall be applicable), or in any other convenient place of confinement situate within the limits of the Station or Cantonment, for the space of two months, unless the debt be sooner paid, and his Goods, if found within the limits of the Station or Cantonment or elsewhere, at any subsequent time, shall be liable to be seized and sold in satisfaction of the

debt. And if the debtor be a Soldier, and the debt be not liquidated by sale of his effects (Accoutrements and Necessaries excepted), an order may be issued for payment of the residue by monthly deduction from the pay issued to the debtor under the Rules which follow.

XVI. And it is hereby enacted, that where the execution is to be special, the debt shall be satisfied out of the pay and allowances of the debtor and not otherwise. And a certificate of the decree, and direction or order thereon, certified under the hand of the Commanding Officer and signed by him, shall be a sufficient authority for making such stoppages. Provided always that no more than one-half of the pay and allowances of any Commissioned Officer, or than one-fourth of the pay and allowances of any non-Commissioned Officer or Soldier shall be stopped in any one month.

XVII. And it is hereby enacted, that in places beyond the Frontier of the Territories of the East India Company, actions of debt and other personal actions may be brought before such Military Courts as aforesaid against persons so amenable as aforesaid for any amount of demand: Provided that such Military Courts beyond the frontier shall be composed of European Officers—and provided, that if the amount of claim shall exceed 200 Rupees, an appeal shall lie to the Court of Sudder Adawlut of the nearest Presidency according to the rules in force with regard to appeals from subordinate Civil Courts.

XVIII. And it is hereby enacted, that this Act shall not affect the proceedings upon any suit heretofore commenced or which shall be commenced before the Tenth day of August next.

Extended by Act No. XII. of 1842 to all persons serving with any part of the army, and receiving public pay in any capacity, menial servants and camp followers of every description.

BENGAL LAND REVENUE SALE LAW.

Act No. XII. of 1841.

[*Passed on the* 19*th July*, 1841.

1. Repeals Section 2, Regulation 14, 1793; Section 2, Regulation 3, 1794; Regulation 11, 1822, except Sections 36 and 38, and Regulation 7, 1830.

2. No demand shall be made of interest or penalty upon arrear of Land Revenue after the 1st January, 1842.

3. Sudder Board of Revenue for each permanently settled District or Zillah, shall fix the days for sale of Mehals for arrears of Revenue, and give notice thereof in the "Calcutta Gazette"; direct corresponding notice in the language of the District to be given in the Office of Collector, &c., and in the Courts of the Judge, &c, which days shall not be changed, without fresh notifications, &c. Previous to each fixed day 15 days' notice to be given, and in the interval the Collector shall furnish to enquirers particulars as to estates in balance, &c.

4. In Districts not permanently settled and in the Province of Benares, no sale shall take place. &c., without the special sanction of the Sudder Board of Revenue in each several case.

5. Defines an arrear to be, any portion of a kist of one month, remaining unpaid on the first of the following month.

6. All estates (except, &c.) in arrear at sunset of the day preceding a fixed sale day, shall on such sale day, &c., be put up to auction, &c., and no payment or tender subsequent to such sunset shall bar or interfere with the sale.

7. No claim to abatement of Revenue unless allowed by Government, nor any private demand by any defaulter against Government, nor money of the defaulter's in the hands of the Collector, unless it stands in the defaulter's name alone and without dispute, and unless after application in due time made by the defaulter, shall bar a sale, or render a sale void or voidable.

8. No estates shall be sold for arrears of 5 specified descriptions, except after 15 days' notification, &c., specifying the nature and amount of the arrear or demand, in the Office of the Collector, &c., in the Courts of the Judge, &c., and at the Police Thanuah, and at the Cutcherry of the Malgoozar of the estate, &c. Notification to declare the latest period at which payment or tender may bar sale.

9. Persons not proprietors may, at any time before sunset of the day preceding the fixed sale day, deposit the amount of the arrear of Revenue, and if the party making the deposit be a suitor in some Court for the estate, he may be put in possession, under the usual rules; or if he made the deposit for the protection of an interest, he may recover the amount with interest from the proprietors of the estate.

10. No estate shall be liable to sale for arrears accrued while it was under Court of Wards, nor estate of minor acquired by inheritance, &c., of which Court of Wards has not taken management; nor estate under attachment by the Revenue authorities, until after the end of the year in which the arrears accrued.

11. Collector, &c., may, for special reasons to be recorded, exempt an estate from sale.

12. Sales to be made at Cutcherry of Collector unless otherwise ordered by Sudder Board

13 If Collector is unable from sickness, &c., to commence sale, or to com-

plete it on fixed day, he may adjourn to the next day, not being Sunday or holiday, &c.

14. Estates to be sold in the order in which they stand on the Towjee.

15. Purchaser to deposit in Cash, Bank Notes, Post Bills, or Government Securities, 25 per cent. of his purchase money, or in default estate to be put up again.

16. Entire purchase money to be paid in 30 days from day of sale, or in default, deposit to be forfeited and estate sold again, and loss on re-sale to be borne by defaulter. Re-sale to be made in forms prescribed by Section 8.

17. After sale notice to be given, &c., to ryots and under-tenants not to pay their rents to former owner.

18. Commissioners of Revenue may receive an appeal within 15 days after sale, and annul sale, and award Compensation in certain cases to purchaser, but not exceeding interest on his deposit, &c.

19. In case of hardship or injustice, the Commissioner may suspend passing final orders and represent case to the Sudder Board, who may recommend the Local Government to annul the sale, &c.

20. Sales to be final, unless appealed against within 30 days, or appeal has been dismissed.

21. Collector to give purchaser Certificate of title. Form of Certificate. Transfer to be proclaimed in Cutcherry, &c. Purchase money, how to be applied.

22. Suit to oust the certified purchaser on ground that purchase was made for another, to be dismissed with costs.

23. Annulment of sale to be notified by Collector, &c., purchase money to be returned to purchaser, with interest, &c.

24. Party certified as proprietor shall be answerable for Revenue accrued after day of sale, and in case of re-sale for Revenue after first day of sale.

25. Sale not to be set aside, unless contrary to the provisions of this Act, &c. Sale not to be contested by any person who has received part of the purchase money. Person aggrieved by sale to have his action for damages.

26. If sale is reversed, purchase money shall be repaid by Government with interest.

27. Purchaser shall take the estate free from incumbrances, and may enhance the rents of under-tenures, and eject the tenants, except in 5 specified cases.

28. The purchaser shall take the estate, free from incumbrances imposed subsequent to last settlement, and may annul all tenures or agreements subsequent to last settlement, &c. Proviso, against purchaser demanding higher amount of rent than was demandable by former Malgoozar, except where rent was reduced by abatements granted by special favour of such Malgoozar.

29. Before sale is made, Local Government may direct it to be made subject to leases, assignments, or other incumbrances. Notice of such condition to be given · but such restricted sale may be cancelled, and re-sale without restrictions made, except in specified cases, if the future realization of the Revenue is

endangered. Esatte once sold subject to incumbrances may, at any future sale, be sold without restrictions

30. Excepting co-partners under Butwarrah, &c., proprietor of estate purchasing it himself, &c., shall re-acquire subject to all incumbrances. Estates sold for arrears due in respect of other estates shall be taken subject to incumbrances.

31. Arrears of rent due from tenants to defaulter at date of sale may be recovered by any process except distraint, &c.

32. Any Collector, &c, in respect of sales, may punish contempt committed in his presence, in open Cutcherry, &c., to extent of 200 Rupees, commutable to one month's imprisonment, &c., subject to an appeal to the Revenue Commissioner.

33. A default to make good a bid by paying deposit shall be held a contempt.

34. Act to be confined to Bengal, Behar, Orissa, and Benares, now subject to Regulations of Ceded and Conquered Provinces, &c., and not to exend to Calcutta or Straits' Settlements.

35. Act to take effect from 1st January, 1842.

An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue.

Whereas it is deemed expedient, with a view to the benefit of the Agricultural Community, to regulate the number of periodical sales of Estates for arrears of Revenue; to discontinue the levy of interest and penalty upon such arrears; to provide for the sale at fixed and known periods of Mehals, the whole of the Land Revenue due from which may not have been discharged on or by appointed days; and otherwise to amend the laws for the realization of the Land Revenue:

I. It is hereby enacted, that Sec. 2, Reg. XIV., 1793; Sec. 2, Reg. III., 1794: Reg. XI. 1822, except Sections 36 and 38, and Reg. VII., 1830, are rescinded, except in so far as they rescind other Regulations or parts of Regulations.

II. And it is hereby enacted, that there shall be no demand of interest or penalty upon any arrear of Land Revenue which shall fall due after the date specified in Section XXXV. of this Act.

III. And it is hereby enacted, that upon the promulgation of this Act the Sudder Board of Revenue at Calcutta shall determine with regard to each permanently settled District or Zillah under their jurisdiction, the fixed dates in each year on which shall be commenced the process for realizing, by sale of Mehals, the arrears of Land Revenue due thereupon. And the said

Board shall give notice of the dates so fixed in the "Calcutta Gazette;" and shall direct corresponding publication to be made, as far as regards each District, in the language of that District, in the Office of the Collector, or other Officer duly authorized to hold sales under this Act, and in the Courts of the Judge, Magistrate, Principal Sudder Ameens, Sudder Ameens, and Sudder Moonsiffs; and the days so fixed shall not be changed until the same be changed by the said Board by advertisements and notifications in the manner above described; such advertisements and notifications to be issued on every occasion after the first above provided for, at least three months before the close of the official year preceding that in which the new date or dates are to take effect. Provided always, that another notice shall also be given for a period of not less than 15 clear days previous to each fixed date of sale by advertisement to be stuck up in each of the forenamed Offices and Courts, and the Collectors shall be bound to furnish during this interval to all enquirers full particulars as to what estates are in balance, and the amount due on each.

IV. And it is hereby enacted, that in Districts not permanently settled, and in the Province of Benares, no sale shall take place for arrears of Land Revenue or other demand of Government without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale.

V. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the year, according to which the settlement and kistbundee of any Mehal have been regulated be unpaid on the first of the following month of such year, the sums so remaining unpaid shall be considered an arrear of Revenue.

VI. And it is hereby enacted, that except as hereinafter excepted, all Estates from which at sunset of the day preceding that fixed for a sale an arrear of Revenue may be due, shall on the said fixed day, or on the day or days following as herainafter provided, be put up to public auction by and in the presence of the Collector or other Officer authorized by Government to exercise the powers of Collector in that behalf, and shall be sold to the highest bidder; and no payment or tender of payment made subsequent to sunset of the day preceding that fixed for a

sale shall bar or interfere with the sale either at or after its conclusion.

VII. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

VIII. Provided always, and it is hereby enacted, that no estate shall be sold for the recovery of arrears or demands of the description mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, shall have been affixed, for a period of not less than fifteen clear days preceding the day of sale, in the Office of the Collector, or other Officer as aforesaid, by whom the sale is intended to be made, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of all the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs of the District and at the Police Thannah of the Division in which the estate to which the notice relates, or part of it is situated, the same to be certified by the receipt of the Officer at whose Office such publication may have been made; and also at the Cutcherry of the Malgoozar of the estate, or at some conspicuous place upon the estate, the same to be certified by the peon or other person employed for the purpose. And it shall be declared in the said notification that no payment or tender of payment of the arrear or demand due, which may be made after sunset of the day preceding the fixed day of sale, will bar or interfere with the sale, either at or after the transaction—

First.—Arrears due from or to be recovered by the sale of estates not permanently settled.

Secondly.—Arrears other than those of the current or of the preceding year.

Thirdly.—Arrears due on account of estates other than that to be sold.

Fourthly.—Arrears of estates under attachment by order of the Judicial authorities.

Fifthly.—Arrears due on account of Tuccavy, Poolbundee, or other demands, not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

IX. And it is hereby enacted, that the Collector shall, at any time before sunset of the day preceding the fixed day of sale, receive as a deposit from any party not being a proprietor of the estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate. And in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such estate is situated, to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the cases of appellants and defendants. And if the party depositing, whose money shall have been credited as aforesaid, shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered, or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit with interest, from the proprietors of the said estate.

X. And it is hereby enacted, that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no estate, the sole property of a minor, or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI., 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no estate held under attachment by the Revenue Authorities, otherwise than by order

of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector at any time before the sale of an estate shall have commenced to exempt such estate from sale; and in like manner it shall be competent to the Commissioner of Revenue at any time before the sale of an estate shall have commenced, to exempt such estate from sale, by a special order to the Collector to that effect in each case, and no sale of an estate shall be legal if held after the receipt of an order of exemption in respect to such estate. Provided, however, that it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collecter of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District; provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector, or other Officer as aforesaid, shall be unable, from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry: and so on, from day to day, until he shall be able to commence upon or to complete the sale, but with the exception of adjournments so made, recorded, and

reported, each shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section III. of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the Towjee or registers in use in the Collector's Office of the District being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid to put up any estate out of its regular order by number.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale as the Collector may think necessary, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the estate shall forthwith, be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the estate bought by him took place, reckoning that day as one of the thirty: or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold, and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of Public Revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold, and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VIII. of this Act.

XVII. And it is hereby enacted, that whenever an estate shall have been sold as aforesaid, the Collector, or other Officer as aforesaid, shall affix a proclamation in the language of the District in his Cutcherry; and as soon thereafter as may be in the Cutcherries of the Moonsiffs and of the Darogahs of Police, within whose jurisdiction or jurisdictions any part of such estate may be situated; and also at the Cutcherry of the Malgoozar of such estate; or on some conspicuous place on such estate, forbidding the ryots and under-tenants of such estate to pay rent falling due subsequent to the date therein specified, and up to the date of the subsequent notice hereinafter prescribed by Section XXI. of this Act, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid within the period aforesaid.

XVIII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI., or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise: and the Commissioner shall be competent in every case of appeal so preferred to annul any sale of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation, for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

XIX. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injustice to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case, may annul the sale and cause the estate to be restored to the proprietor on such conditions as may appear equitable and proper.

XX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale, as the first of the said thirty days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

XXI. And it is hereby enacted, that, immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid, shall give to the purchaser a Certificate of title in the following form:—

> I certify that A. B. has purchased at Public Auction under Act XII. of 1841, Mehal C., and that his purchase has taken effect on and since the ——— day of ——— (being the date of sale).
>
> (Signed) D. E. *Collector.*

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate sold being vested in the person or persons named from the date specified: and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the estate or on some conspicuous place on the estate; and shall apply the purchase money first to the liquidation of all arrears due upon the day of sale, or upon the day of the original sale, if the sale finally consummated be a re-sale; and secondly, to the liquidation of all outstanding demands debited to the Mehal in the Public Accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate sold, to be paid to their receipt on demand in the manner following, to wit: in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase

money after liquidation of all Government arrears and dues to the proprietor of the estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept and in satisfaction of decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the proprietor's just debts by order of any Court and a decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXII. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXIII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXI. of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current public securities from the dates on which they were respectively paid in, to the date on which the refund is actually made.

XXIV. And it is hereby enacted, that the party certified as the proprietor of an estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instalments of the Revenue of Government which may fall due subsequently to the day of sale; provided, however, that in the case of re-sales the purchaser shall be answerable for all instalments of Revenue which fell due subsequently to the day of the first sale.

XXV. And it is hereby enacted, that no sale for arrears of Revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice, except upon the ground of its having been made contrary to the provisions of this Act: And except the contravention thereto shall have been declared and specified in an

appeal made to the Commissioners under Section XVIII. of this Act, and except the action in the Civil Court be instituted within one year from the date of the sale becoming final and conclusive, as provided in Section XX. of this Act: And no person shall be entitled to contest the legality of a sale after having received any portion of the purchase-money. Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXVI. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase-money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

XXVII. And it is hereby enacted, that the purchaser of an estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled districts of Bengal, Behar, Orissa, and Benares, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled, after notice given under Section X., Regulation V., 1812, to enhance at discretion (anything in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:—

First. Tenures which were held as Istemraree or Mocurreree at a fixed rent, more than 12 years before the Permanent Settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be liable to increase of assessment, on the grounds stated in Section LI., Regulation VIII., of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryots having rights of occupancy at fixed rents, or at rents assessable according to fixed rules, under the Regulations in force.

Fourthly. Lands held under *bonâ fide* leases, at fair rents,

temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their date. Provided that a written notice, specifying full particulars of the position, rent, and area of the lands, the terms of the lease and the names of the parties, shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an estate at a sale for arrears of Revenue shall be at liberty, by suit in Court, to set aside all such farms, although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVIII. And it is hereby enacted, that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVII. shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of Settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like, settled or credited by the first engager or his representatives, subsequently to the last Settlement, as well as all tenures which the first engager may, under the conditions of his Settlement, have been competent to set aside, alter, or renew, saving always and except *bonâ fide* leases of ground for the erection of dwelling houses or buildings, or for offices thereunto belonging, or

for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the pergunnah, mouzah, or other local division, such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXIX. And it is hereby enacted, that it shall be competent to the Local Government when it shall seem proper at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments, or other incumbrances, with which a proprietor in possession, his ancestors, or predecessors may have burthened his assessed estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that, by reason of the restriction, the future realisation of the Revenue will be endangered, it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XX. of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made without other restrictions than those contained in the exception specified in Clauses 1 to 5 of Sec. XXVII. of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an estate purchased with a

restriction of the above description, it shall at all times be competent to the Local Government to direct that the Muhal shall be sold without any other restriction than those contained in the exception specified in Clauses 1 to 5 of Sec. XXVII. of this Act, or with the reservation before reserved. In the former event, should the purchase money realised by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first shall become void at the second sale.

XXX. And it is hereby enacted, that excepting copartners of estates under Butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX., 1814, any recorded or unrecorded proprietor or copartner who may purchase in his own name or in the name of another the estate of which he is proprietor or copartner, or who by re-purchase or otherwise, may recover possession of the said estate after it has been sold for arrears under this Act: and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its incumbrances existing at the time of sale and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

XXXI. And it is hereby enacted, that arrears of rent which at the date of sale may be due to the defaulter from his tenants, shall be recoverable by him after a sale by any process except distraint which might have been used by him for that purpose before the sale was made.

XXXII. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or office for the time being, by fine, to an extent not exceeding Company's Rupees 200, commutable, if not paid, to imprisonment in the civil gaol for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that

an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXIII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV. of this Act shall be held to be a contempt.

XXXIV. And it it hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa, and Benares, now subject to the General Regulations, and to the Ceded and Conquered Provinces, similarly subject to the General Regulations under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta or the Settlements of Singapore, Penang, or Malacca.

XXXV. And it is hereby enacted, that this Act shall have effect on and after the First day of January, 1842.

Repealed, except ss. 1 and 2, by Act I., 1845, which has since been repealed by Act XI., 1859, s. 1.

WAREHOUSING ACT.

Act No. XIII. of 1841.

[*Passed on the 16th August,* 1841.

Import Duty on Wine and Spirits to be settled on quantities registered at time of importation. Warehouse-keeper in accounting with the Customs Department, to be allowed ullage at the rate of 10 per cent, for one year, &c.

An Act for explaining the provisions of Act No. XXV., of 1836.

Repealed by Act VI., 1863.

BOMBAY AND COLABA.

Act No. XIV. of 1841.

[*Passed on the 23rd August,* 1841.

1. Whoever shall sell as good meat the flesh of animals that have died, or other noxious provisions, or shall use false weights, &c., or shall be guilty

of any nuisance, &c, in any Market, &c., may be fined not exceeding 200 Rupees.

2. Any Magistrate of Police may examine weights, &c., and provisions, &c., and destroy false weights and noxious provisions. Persons obstructing Magistrate of Police in this duty may be fined by Petty Sessions not exceeding 200 Rupees, or imprisoned with or without hard labour for 3 months.

An Act for the better regulation of Markets in the Islands of Bombay and Colaba.

Repealed by Act XIV., 1856.

CALCUTTA.

ACT No. XV. OF 1841.

[*Passed on the* 23*rd August*, 1841.

Repeals Section 7, Regulation 9, of 1819.

An Act for exempting residents, within Calcutta from giving security in suits in the Mofussil Courts on certain occasions.

Whereas great inconvenience has been experienced by residents within Calcutta by reason of their being obliged to give security in suits in the Mofussil Courts, under Regulation IX. of 1819, Section 7: And whereas there is no occasion for requiring such security now that, by Act No. XXIII. of 1840, property within Calcutta is liable to be seized under the process of the Mofussil Courts:

It is hereby enacted, that Section 7, Regulation IV. of 1819, of the Bengal Code, is hereby repealed.

OATHS OF OFFICE.—JUSTICES OF THE PEACE.

ACT No. XVI. OF 1841.

[*Passed on the* 30*th August*, 1841.

1. All persons in any Commission of the Peace may act as Justices of the Peace in every respect according to the tenor of the Commission, upon taking and subscribing in any Civil or Criminal Court within, &c., the appointed Oaths.

2. Justice of the Peace who has had Oath of qualification administered to him by other Justice of the Peace shall be deemed qualified.

An Act concerning the taking of Oaths of Qualification by Justices of the Peace.

I. Whereas inconvenience has arisen in consequence of pursuing the course theretofore deemed necessary for taking of Oaths by Justices of the Peace, in order that they may be duly qualified to act under Commissions of the Peace: It is hereby enacted, that all persons who are or shall be nominated and appointed in any commission of the Peace, shall be capable of acting as Justice of the Peace in every respect, according to the tenor of such Commission, upon taking and subscribing in any Civil or Criminal Court of Justice within the places in and for which any such Commisson shall have issued before the Officer presiding in such Court, whether such Officer be a Justice of the Peace or not, the Oaths appointed to be taken by Justices of the Peace; and the subscription of such persons to the said Oaths shall be deposited and kept with the Records of the Courts of Justice in which the said Oaths shall have been administered. [Repealed by Act XXVII., 1864, s. 1.]

II. And it is hereby enacted, that every Justice of the Peace who, before the passing of this Act, shall have had administered to him the Oaths of Qualification by any other Justice of the Peace, shall be deemed to have been duly qualified to act as a Justice of the Peace from the time of taking such Oath, and shall continue so qualified notwithstanding such Oath may not have been taken in a Court of Justice as required by any previous Law, or by this Act. [Subscription substituted for Oath by Act XXVII., 1864, s. 1, and New Form established.]

BENGAL.—APPEALS IN SUDDER COURTS.

Act No. XVII. of 1841.

[*Passed on the* 30*th August*, 1841.

1. The Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, within the Territories, subject to the Presidency of Fort William, may transfer to Registrar the duty of preparing appeal causes for trial and of executing the decrees, &c., of the said Courts, and may authorize him to issue process.

2. Not necessary to take security for costs in proceedings before such Courts: such Courts may frame Rules of practice: rules to be submitted to Governor General in Council for approval.

An Act for amending the proceedings in appeals before the Courts of Sudder Dewanny and Nizamut Adawlut, in the Presidency of Fort William in Bengal.

I. It is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny and Nizamut Adawlut, within the Territories subject to the Presidency of Fort Willian in Bengal, by an Order, under the signature of the Registrar of such Court, to transfer to such Registrar the duty of preparing appealed causes for trial, and of executing the decrees and orders of the said Courts, and to authorize him to issue the necessary process, and to proceed thereupon agreeably to the Rules prescribed by the general Regulations of Government.

II. And it is hereby enacted, that in proceedings before the said Courts it shall not be necessary to take any security for costs; and it shall be competent for the said Courts of Sudder Dewanny and Nizamut Adawlut to frame such Rules of practice for the due exercise of the Civil and Criminal Jurisdiction vested by the Regulations in those Courts, as may from time to time be found requisite. And such Rules when so framed shall be submitted to the General Governor of India in Council; and, after the same shall have been appoved by the said General Governor of India in Council, they shall be of the same force as if they were inserted in this Act. [Repealed by Act X., 1861, so far as relates to the S. D. A., and the residue by Act XVII., 1862.]

ARMS, AMMUNITION, AND MILITARY STORES.

Act No. XVIII. of 1841.

[*Passed on the 30th August*, 1841.

1. Arms, Ammunition, &c., not to be exported or taken from Territories of East India Company without a license, &c. Arms, &c., exported &c., contrary to this Act to be forfeited. Offender to be liable to penalty of 500 Rupees.

2. Any person collecting in one place, or in places not exceeding 3 miles of one another more than 50 pounds of Gunpowder without license, liable to penalty not exceeding 500 Rupees, and Gunpowder to be forfeited, &c.

3. The Governments of the Presidencies may allow the exportation of Gunpowder without license.

An Act for consolidating and amending the enactments concerning the exportation of Military Stores.

I. It is hereby enacted, that Arms, Ammunition and Military Stores (with the exception of Arms in the possession of individuals for private use) shall not be exported, or otherwise taken from the Territories of the East India Company, without a license from a public Officer or Officers for each Presidency, to be indicated by the Governments of the respective Presidencies, for the purpose of granting such licenses, and a full compliance with all such rules and conditions as may be prescribed for the guidance of such Officer or Officers in regard to such exports by the aforesaid Governments respectively. And any Arms, Ammunition or Military Stores which any person shall export, or attempt to export, or take as aforesaid, contrary to this Act, shall thereby become forfeited, on the award of the Officer or Officers authorized as aforesaid to grant licenses, or the Collector of Customs, and every person offending in the premises contrary to this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding 500 Rupees.

II. Repealed by Act XIII., 1852, s. 37.

III. And it is hereby enacted, that it shall be lawful for any of the Governments aforesaid, to allow, at any Port or Ports, the exportation of Arms, Ammunition and Military Stores as aforesaid, without any such license as aforesaid, as they shall deem expedient.

CURATORS.

Act No. XIX. of 1841.

[*Passed on the 6th September*, 1841.

1. When a person dies leaving property, the person claiming a right to it by succession, may apply to a Judge, &c., for relief or assistance, to obtain possession.

2 Any agent, &c., or next friend, or the Court of Wards, in the case of an infant, &c, may make like application.

3. The Judge to whom such application is made shall enquire, &c, whether there is strong ground to believe that the party in possession has no lawful

title, and whether applicant is likely to be prejudiced if left to his ordinary remedy.

4. If Judge is satisfied that there is such strong ground of belief, he shall cite the party complained of, &c., and deliver possession, &c. Judge may appoint officer to take inventory, &c.

5. In case of danger of misappropriation of property before suit can be determined, Curators may be appointed, &c.

6. Judge may authorise Curator to take possession of property generally or until security be given, &c.

7. Curator to give security: his remuneration not to exceed 5 per centum on personal property and annual rent of real property. Surplus to be paid into Court, and invested in Public Securities.

8. If the estate of the deceased consists of land paying revenue, the Judge shall demand a report from Collector, as to propriety of citing the party in possession, &c., but he shall not be obliged to conform to report of Collector, &c.

9. Curator to be subject to orders of Judge regarding the institution, &c., of suits. Suits to be instituted, &c., in name of Curator.

10. Pending custody by Curator, Judge may order allowances to parties having *primâ facie* right.

11. Curator to file monthly accounts in abstract, and every 3 months detailed accounts.

12. Accounts of Curator to be opened to inspection of parties interested. Party interested may appoint person to keep a Duplicate of Curator's accounts.

13. After appointment of Curator, no second shall be appointed in respect of same property. Where several Curators are appointed in respect of several parts of an estate, the Sudder Dewanny Adawlut may make order for appointment of one Curator for the whole.

14. The provisions of this Act not to be put in force unless application be made within 6 months after decease.

15. This Act not to be applied in contravention of any public act of settlement; nor where deceased proprietor has left directions respecting the possession of his property.

16. Possession of Court of Wards not to be disturbed under this Act. In case of minors and other disqualified persons, the Court of Wards to be invested with Curatorship of estate pending suit, &c.

17. Nothing in this Act or done under it shall prevent the institution of a regular suit.

18. The decision in summary suits under this Act shall have no other effect than that of settling the actual possession, for which purpose it shall be final.

19. The Governments of the different Presidencies may appoint public Curators for any district. The Judge shall nominate such public Curator where the choice is left with him.

20. If person dies leaving property within local limits of Supreme Court, and such Court shall be satisfied that danger of misappropriation, &c., of property is to be apprehended, the Court may authorize the Ecclesiastical Registrar

or one or more Curators to collect the effects, &c., and to hold or deposit the same, &c.

An Act for the protection of moveable and immoveable property against wrongful possession in cases of successions.

Whereas much inconvenience has been experienced, where persons have died possessed of moveable and immoveable property and the same has been taken upon pretended claims of right by gift or succession; the difficulty of ascertaining the precise nature of the moveable property in such cases, the opportunities for misappropriating such property and also the profits of real property, the delays of a regular suit when vexatiously protracted, and the inability of heirs when out of possession to prosecute their rights, affording strong temptations for the employment of force or fraud in order to obtain possession: And whereas, from the above causes, the circumstance of actual possession, when taken upon a succession, does not afford an indication of rightful title equal to that of a decision by a Judge after hearing all parties in a summary suit, though such summary suit may not be sufficient to prevent a party removed from possession thereby from instituting a regular suit: And whereas such summary suit, though it will take away many of the temptations which exist for assuming wrongful possession upon a succession will be too tardy a remedy for obviating them all, especially as regards moveable property. And whereas it may be expedient, prior to the determination of the summary suit, to appoint a Curator to take charge of property upon a succession, where there is reason to apprehend danger from misappropriation, waste or neglect, and where such appointment will, in the opinion of the authority making the same, be beneficial under all the circumstances of the case. And whereas it will be very inconvenient to interfere with successions to estates by the appointment of Curators, or by summary suits, unless satisfactory grounds for such proceedings shall appear, and unless such proceedings shall be required by or on the behalf of parties giving satisfactory proof that they are likely to be materially prejudiced if left to the ordinary remedy of a regular suit:

I. It is hereby enacted, that whenever a person dies leaving property, moveable or immoveable, it shall be lawful for any person claiming a right by succession thereto, or to any portion thereof, to make application to the Judge of the Court of the

District where any part of the property is found or situate for relief, either after actual possession has been taken by another person, or when forcible means of seizing possession are apprehended.

II. And it is hereby enacted, that it shall be lawful for any agent, relative, or near friend, or for the Court of Wards in cases within their cognizance, in the event of any minor, disqualified, or absent person being entitled by succession to such property as aforesaid, to make the like application for relief.

III. And it is hereby enacted, that the Judge to whom such application shall be made shall, in the first place enquire by the solemn declaration of the complainant, and by witnesses and documents at his discretion, whether there be strong reasons for believing that the party in possession or taking forcible means for seizing possession has no lawful title, and that the applicant, or the person on whose behalf he applies is really entitled and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and that the application is made *bonâ fide.*

IV. And it is hereby enacted, that in case the Judge shall be satisfied of the existence of such strong ground of belief but not otherwise, he shall cite the party complained of, and give notice of vacant or disturbed possession by publication, and after the expiration of a reasonable time shall determine summarily the right to possession (subject to a regular suit as hereinafter mentioned,) and shall deliver possession accordingly; provided always that the Judge shall have the power to appoint an officer who shall take an inventory of effects, and seal or otherwise secure the same, upon being applied to for the purpose, without delay, whether he shall have concluded the enquiry necessary for citing the party complained of or not.

V. And it is hereby enacted, that in case it shall further appear upon such application and examination as aforesaid that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, and that the delay in obtaining security from the party in possession, or the insufficiency thereof is likely to expose the party out of possession to considerable risk, provided he be the lawful owner: it shall be lawful for the Judge to appoint one or more Curators with the powers hereinafter next mentioned, whose authority

shall continue according to the terms of his or their respective appointments, and in no case beyond the determination of the summary suit and the confirmation or delivery of possession in consequence thereof. Provided always, that in the case of land, the Judge may delegate to the Collector or to his officer the powers of a Curator, and also that every appointment of a Curator in respect of any property be duly published.

VI. And it is hereby enacted, that the Judge shall have power to authorize such Curator, either to take possession of the property generally, or until security be given by the party in possession, or until inventories of the property shall have been made, or for any other purpose necessary for securing the property from misappropriation or waste by the party in possession. Provided always that it shall be entirely discretionary with the Judge, whether he shall allow the party in possession to continue in such possession on giving security, or not, and any continuance in possession shall be subject to such orders as the Judge may issue touching inventories, or the securing of deeds or other effects.

VII. And it is hereby enacted, that the Judge shall exact from the Curator security for the faithful discharge of his trust, and for rendering satisfactory accounts of the same as hereinafter mentioned, and may authorise him to receive out of the property such remuneration as shall appear reasonable, but in no case exceeding 5 per centum on the personal property, and on the annual profits of the real property. All surplus moneys realized by the Curator shall be paid into Court, and invested in public Securities for the benefit of the persons entitled thereto upon adjudication of the summary suit. Provided always, that although security shall be required from the Curator with all reasonable despatch, and where it is practicable, shall be taken generally to answer all cases for which the person may be afterwards appointed Curator, yet no delay in the taking of security shall prevent the Judge from immediately investing the Curator with the powers of his office.

VIII. And it is hereby enacted that, where the estate of the deceased person shall consist wholly or in part of land paying revenue to Government, in all matters regarding the propriety of citing the party in possession, of appointing a Curator, and of nominating individuals to that appointment, the Judge shall de-

mand a report from the Collector, and the Collector is hereby required to furnish the same. In cases of urgency the Judge may proceed, in the first instance, without such report, and he shall not be obliged to act in conformity thereto, but, in case of his acting otherwise than according to such report, he shall immediately forward a statement of his reasons to the Court of Sudder Dewanny Adawlut, and the Court of Sudder Dewanny Adawlut, if they shall be dissatisfied with such reasons, shall direct the Judge to proceed conformably to the report of the Collector.

IX. And it is hereby enacted, that the Curator shall be subject to all orders of the Judge regarding the institution or the defence of suits, and that all suits may be instituted or defended in the name of the Curator on behalf of the estate. Provided that an express authority shall be requisite in the Sunnud of the Curator's appointment for the collection of debts or rents; but such express authority shall enable the Curator to give a full acquittance for any sums of money received by virtue thereof.

X. And it is hereby enacted that, pending the custody of the property by the Curator, it shall be lawful for the Judge to make such allowances to parties having a *primâ facie* right thereto as upon a summary investigation of the rights and circumstances of the parties interested, he shall consider that necessity may require, taking, at his discretion, security for the repayment thereof with interest, in case the party shall, upon the adjudication of the summary suit, appear not to be entitled thereto.

XI. And it is hereby enacted, that the Curator shall file monthly accounts in abstract, and at the period of every three months, if his administration last so long, and upon giving up the possession of the property, file a detailed account of his administration to the satisfaction of the Judge.

XII. And it is hereby enacted, that the accounts of any such Curator as is above described shall be open to the inspection of all parties interested; and it shall be competent for any such interested party to appoint a separate person to keep a duplicate account of all receipts and payments by such Curator. And if it be found that the accounts of any such Curator are in arrear, or if they shall be erroneous or incomplete, or if the Curator shall not produce them whenever he shall be ordered to do so by the

Judge, he shall be liable to a fine not exceeding 1,000 Rupees for every such default.

XIII. And it is hereby enacted, that after the Judge of any district shall have appointed any Curator, such appointment shall preclude the Judge of any other district within the same Presidency from appointing any other Curator provided the first appointment be in respect of the whole of the property of the deceased. But if the appointment be only in respect of a portion of the property of the deceased, this shall not preclude the appointment within the same Presidency of another Curator, in respect of the residue or any portion thereof; provided always, that no Judge shall appoint a Curator or entertain a summary suit in respect of property which is the subject of a summary suit previously instituted under this Act before another Judge; and provided further, that if two or more Curators be appointed by different Judges for several parts of an estate, it shall be lawful for the Sudder Dewanny Adawlut to make such order as it shall think fit for the appointment of one Curator of the whole property.

XIV. And it is hereby provided, that this Act shall not be put in force, unless the aforesaid application to the Judge be made within six months of the decease of the proprietor, whose property is claimed by right in succession.

XV. And it is hereby enacted, that this Act shall not be put in force to contravene any public act of Settlement. Neither in cases in which the deceased proprietor shall have given legal directions for the possession of his property after his decease, in the event of minority or otherwise, in opposition to such directions, but, in every such case, as soon as the Judge having jurisdiction over the property of a deceased person, shall be satisfied of the existence of such directions, he shall give effect thereto.

XVI. And it is hereby provided, that this Act shall not be put in force for the purpose of disturbing the possession of the Court of Wards of any Presidency; and in case a minor, or other disqualified person, whose property shall be subject to the Court of Wards, shall be the party on whose behalf application is made under this Act, the Judge, if he determines to cite the party in possession, and also appoint a Curator, shall invest the

Court of Wards with the Curatorship of the estate pending the suit, without taking such security as aforesaid; and in case the minor or other disqualified person shall, upon the adjudication of the summary suit appear to be entitled to the property, possession shall be delivered to the Court of Wards.

XVII. And it is hereby provided, that nothing in this Act contained shall be any impediment to the bringing of a regular suit either by the party whose application may have been rejected, before or after citing the party in possession, or by the party who may have been evicted from the possession under this Act.

XVIII. And it is hereby enacted, that the decision of the Judge upon the summary suit under this Act shall have no other effect than that of settling the actual possession: but that for this purpose it shall be final, not subject to any appeal or order for review.

XIX. And it is hereby enacted, that it shall be lawful for the Governments of the respective Presidencies to appoint public Curators for any district or number of districts. And the Judge having jurisdiction shall nominate such public Curator or Curators in all cases where the choice of a Curator is left discretionary with him under preceding provisions of this Act

XX. Repealed by Act No. VIII., 1855, s. 13.

Extended to Madras and Bombay by Act VIII., 1842.

COLLECTION OF DEBTS.

ACT NO. XX. OF 1841.

[*Passed on the 6th September*, 1841.

1. No debtor of any deceased person shall be compelled to pay, except on production of Certificate, &c., or Probate, &c., unless Court shall be of opinion that payment is withheld fraudulently, &c.

2. The Zillah or District Court within whose jurisdiction property of deceased is found, may grant Certificate under this Act upon petition setting forth title of claimant, &c. Judge to issue notice and fix a day for hearing, &c.

3. The Certificate of Judge shall be conclusive of the representative title against all debtors of deceased, and shall be a sufficient warrant for them to pay their debts.

4. Judge may take security from persons to whom he grants Certificate for rendering an account, and for indemnity of persons entitled.

5. The Grant of Certificate may be suspended by Appeal to Sudder Dewanny Adawlut, which Court may direct to whom Certificate shall be granted, &c., and may supersede Certificate already granted, and grant fresh Certificate.

6. Certificate to give authority throughout the Presidency.

7. Person having Certificate may be authorized by the terms of the Certificate to receive interest on Government Notes.

8. Payments *bonâ fide* made to the holder of Certificate which is invalid by reason of a prior Certificate, shall be good against claimant under the elder Certificate.

9 and 10. Certificate in respect of property of Hindoos, Mahomedans, and others, not usually called British subjects, not valid if made after Probate or Letters of Administration, &c. But payments made to holder of Certificate in ignorance of previous Probate, &c., to be good against person claiming under Probate.

11 and 12. No Probate, &c., valid after grant of Certificate, &c. But payments *bonâ fide* made to holder of Probate to be valid against holder of Certificate.

13. Curators appointed under Act XIX., 1814, not to exercise any powers which but for that Act would belong to holders of Certificate under this. But payments to Curators shall be good, and Curators be responsible to holder of Certificate.

14. All Probates, &c., granted by H. M.'s Courts, in cases in which assets were within the local jurisdiction of such Courts, shall have the effect of Probate, &c., granted in respect of British subjects, for the purpose of recovering debts, &c., except as in this Act provided.

15. This Act not to extend to persons usually designated as British subjects.

An Act for facilitating the Collection of Debts on Successions, and for the security of parties paying debts to the Representatives of deceased persons.

Whereas it is expedient to provide greater security for persons paying to the Representatives of deceased Hindoos, Mahomedans, and others not usually designated as British subjects, debts which are payable in respect of the estates of such deceased persons, and to facilitate the collection of such debts by removing all doubts as to the legal title to demand and receive the same:

I. It is hereby enacted, that no debtor of any deceased person shall be compelled in any Court of Law to pay his debt to any person claiming to be entitled to the effects of any deceased person, or any part thereof, except on the production of a certificate to be obtained in manner hereinafter mentioned, or of a

Probate or Letters of Administration, unless the Court shall be of opinion that payment of the debt is withheld from fraudulent or vexatious motives, and not from any reasonable doubt as to the party entitled.

II. And it is hereby enacted, that the Zillah or District Court within the jurisdiction of which any part of the property of the deceased may be found, shall have authority to grant a certificate under this Act. The applicant in his petition shall set forth his title. The Judge shall issue notice of application, investing claimants, and fixing a day for hearing the petition, and upon the appointed day, or as soon after as may be convenient, shall determine the right to the certificate, and grant the same accordingly.

III. And it is hereby enacted, that the certificate of the District or Zillah Judge shall be conclusive of the representative title against all debtors to the deceased, and shall afford full indemnity to all debtors paying their debts to the person in whose favour the certificate has been granted.

IV. And it is hereby enacted, that the District or Zillah Judge may take such security as he shall think necessary from any person to whom he shall grant a certificate for rendering an account of debts received by him, and for indemnity of persons who may be entitled to the whole or any part of the moneys received by virtue of such certificate, whose right to recover the same by regular suit against the holder of the certificate is not affected by this Act.

V. And it is hereby enacted, that the granting of such certificate may be suspended by an appeal to the Court of Sudder Dewanny Adawlut, which Court may declare the party to whom the certificate should be granted, or may direct such further proceedings for the investigation of the title as it shall think fit. The Court may also, upon petition, after a certificate shall have been granted by the District or Zillah Judge, grant a fresh certificate in supersession of the certificate granted by the District or Zillah Judge, and such fresh certificate shall not affect any payments made to the person to whom any former certificate may have been granted without notice that the same has been superseded, but shall entitle the person named therein to receive all moneys that may have been recovered under the first certificate from the person to whom the same may have been granted.

VI. And it is hereby enacted, that every certificate shall give authority to the person to whom the same is granted throughout the Presidency within which the same is granted, and no certificate subsequently granted in respect of the same property shall be valid or effectual, except as hereinafter mentioned.

VII. And it is hereby enacted, that a person certified as aforesaid, may be empowered to receive interest on Government Notes, and Dividends, or on Shares of any Bank or parts thereof, and to negotiate such Securities. He may be also empowered to receive a share of such interest of dividends or to negotiate a share of such Securities. But these powers shall only arise by express words in the certificate.

VIII. And it is hereby enacted, that where a certificate shall have been granted in cases in which such certificate would be valid but for the previous grant of a certificate, all payments made to the person holding the later certificate in ignorance of the grant of the previous certificate shall be held good against claims under such previous certificate.

IX. And it is hereby enacted, with regard to the property of deceased Hindoos, Mahomedans, and other persons not usually designated by the term British Subjects, that no certificate in respect of any such property shall be valid, if made after a Probate or Letters of Administration granted in respect of the same, provided assets belonging to the deceased were at the time of his death within the local jurisdiction of the Court granting the Probate or Letters of Administration.

X. And it is hereby provided, that where a certificate shall have been granted, in cases in which such certificate would be valid, but for a Probate or Letters of Administration previously granted, all payments made to the person holding the certificate in ignorance of the previous granting of the Probate or Letters of Administration shall be held good against claims under the Probate or Letters of Administration so previously granted.

XI. And it is hereby enacted, that no Probate or Letters of Administration shall be valid for the purpose of the recovery of debts or for the security of debtors, after a certificate granted in respect of the same property for which such Probate or Letters of Administration shall have been granted, provided assets belonging to the deceased where at the time of his death within the jurisdiction of the Court granting such certificates.

XII. And it is hereby provided, that where Probate or Letters of Administration may have been granted, in cases in which such Probate or Letters of Administration would be valid, but for the previous grant of a certificate, all payments made in ignorance of the previous grant of the certificate shall be held good against claims under such previous certificate.

XIII. And whereas, under Act No. XIX. of 1841, Curators may be invested with certain powers which are conferred on persons obtaining certificates under this Act, and which belong to Executors and Administrators, it is hereby enacted that Curators appointed under the said Act shall not exercise any powers which, but for that Act, would lawfully belong to such persons obtaining certificates, Executors or Administrators, where a Certificate, Probate or Letters of Administration has been actually obtained; but all persons who may have paid debts or rents to a Curator authorized by a Judge to receive the same shall be indemnified, and the Curator shall be responsible for the payment of the same to the person who has obtained a certificate, the Executor, or Administrators, as the case may be.

XIV. And it is hereby declared and enacted, that all Probates and Letters of Administration granted by any of Her Majesty's Courts in cases in which any assets belonging to deceased persons were, at the time of their deaths, within the local jurisdiction of the Court granting the Probate or Letters of Administration, shall have the effect of Probate and Letters of Administration, granted in respect of the property of British Subjects but for the purpose of the recovery of debts only, and the security of debtors paying the same; except so far as is in this Act provided.

XV. And it is hereby provided, that nothing in this Act contained shall be held to extend to the property of any person usually designated as a British Subject.

Amended by Act X. of 1851, which is explained and amended by Act VIII. of 1854; further amended by Act XXVI., 1855, ss. 1 and 4, as to administration of sums not exceeding 500 Rupees in Government Savings Bank.

Repealed by Act XXVII., 1860.

LOCAL NUISANCES.

Act No. XXI., of 1841.

[*Passed on the 6th September*, 1841.

1. Any Magistrate may cause unlawful obstructions and nuisances to be removed from thoroughfares, &c., and suppress, &c., trades, &c., injurious to the health of the community, and prevent the construction of buildings, &c., in a manner likely to occasion conflagration, &c.

2. In acting under authority of above Section, the Magistrate, after enquiry, &c., shall issue injunction, to be served personally, or, in specified case, to be notified by proclamation, &c. Magistrate may enforce injunction, and fine for disobedience not exceeding 200 rupees, or imprison without hard labor not exceeding 1 month. Magistrate may remove noxious or dangerous article, &c., and sell the same, to defray expense, &c. Magistrate may compel the owner of tanks, &c., to fence tanks, &c.

3. Person affected by an injunction may, within 10 days, petition to have a Jury or Punchayet to try and decide the question. Magistrate shall thereupon order the appointment of a Jury or Punchayet of not less than 5 persons, the President and two members thereof to be nominated by the Magistrate, and the other two by the party petitioning. Injunction to be suspended pending enquiry, &c.

4. Proceedings of Magistrate under this Act to be subject to Appeal.

5. Act not to apply within local limits of Her Majesty's Courts.

An Act for the better prevention of Local Nuisances.

I. It is hereby enacted, that it shall be lawful for any Magistrate, when the public benefit and comfort are in question, to cause unlawful obstructions and nuisances to be removed from thoroughfares and public places, and to suppress or cause to be removed to a different place, trades or occupations injurious to the health or comfort of the community, and to prevent such construction of buildings and such disposal of combustible substances as may appear to him likely to occasion conflagration, and to cause the removal of buildings in such state of weakness, as, by the probability of their falling, may appear to him to expose individuals to danger.

II. And it is hereby enacted, that, in exercising the authority conferred by the above Section, the Magistrate shall, after holding such enquiry as may satisfy him of the necessity of proceeding under this Act, issue an injunction, which, if practicable, shall be served personally on the parties concerned; but if such service shall be impracticable or very inconvenient, the injunction shall

be notified by oral proclamation, and a written notice thereof shall be set up at such place or places as may be best adapted for conveying information to the parties concerned. And in case such injunction be not obeyed, the Magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding 200 Rupees, or by imprisonment without labor for any period not exceeding one month, and if the Magistrate finds it necessary to incur expense in removing noxious or dangerous articles or buildings, it shall be lawful for him to sell the same or their materials by public auction in order to defray the charge, delivering any surplus that may remain to the owner. And it shall be lawful for the Magistrate to compel, under the like penalty, the owners of tanks or wells adjacent to any public thoroughfare to fence the same in such manner as to prevent danger to the public arising therefrom.

III. And it is hereby provided and declared, that it shall be lawful for any person affected by such injunction or written notice as is above described, if he shall object thereto, to claim, by written petition, to be presented to the Magistrate within the period of ten days if reasonably practicable, if not, within the shortest reasonable further time from the receipt of such injunction or the publication of such notice, that a Jury or Punchayet may be appointed to try and decide the question; and the Magistrate shall, on receiving such petition, pass order thereupon for the appointment of a Jury or Punchayet, which shall consist of not less than five persons whereof the President and one-half of the other Members shall be nominated by the Magistrate from the residents in the vicinity, and the remaining Members shall be nominated by the party petitioning. And the Magistrate shall suspend the further execution of the injunction or order pending such enquiry, and be guided by the decision of the said Jury which shall be according to the opinion of the majority. Provided however that if the petitioner shall by neglect or in any other way, prevent the appointment of such Jury or Punchayet, or if, from any cause, the Jury so appointed shall not decide and report within a reasonable time to be fixed in the order for their appointment their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate, and if, from any of the above causes, no decision be made

by a Jury or Punchayet, the Magistrate's order shall take effect as if not opposed.

IV. And it is hereby provided, that all the proceedings of Magistrates under the authority of this Act, shall be subject to the like appeal as other orders of Magistrates, according to the Regulations of the respective Presidencies.

V. And it is hereby enacted, that this Act shall not be applicable within the local limits of Her Majesty's Courts of Justice.

Partially superseded by Act XXI., 1857, s. 58, as respects the Suburbs of Calcutta and Howrah, and is supplementary to it.

Repealed by Act XVII., 1862, where the Code of Criminal Procedure is in operation.

TOWN OF MADRAS.—MUNICIPAL RATES.

Act No. XXII. of 1841.

[*Passed on the* 11*th October*, 1841.

1. The assessments under Statute 33, George 3, Chap. 52, to be applied to lighting and watering the roads and streets, and cleansing and repairing the same and the drains.

2. Sufficient rates to be made, but not exceeding 5 per cent. on rateable value without the sanction of the Governor in Council.

3. The Justices at their Quarter Sessions shall publish accounts of expenditure and collections during the preceding quarter.

4. Upon application of two-thirds in number and value the Governor in Council may authorize the rate-payers of any division to undertake the assessment, &c., of the rates, on a scheme to be approved by the Governor in Council. Amount to be levied in each division not limited to amount expended therein.

5. The Governor in Council may appoint assessor, &c., and prescribe rules and take security for the due execution of this Act, &c.

6. Names of owners, &c., not necessary to be specified in assessment or warrant, &c. Sufficient if property rated be identified, &c.

7. Goods, &c., of owner of rated property may be seized any where except, &c., for rates. All property on rated premises seizable. Tenant may deduct from his rent the amount levied for rate.

8. If property liable to distress is suspected to be concealed in Zenana, the Officer charged with execution of warrant, to follow rules adopted in like case by Her Majesty's Supreme Court.

9. One Justice of the Peace for Madras may issue distress warrant under Statute 33, Geo. 3, Chap. 52.

For amending the Law with respect to rates for Municipal purposes within the Town of Madras.

Repealed by Act XXVI, 1845.

MADRAS.—IMPORTS.—RUM.

ACT NO. XXIII. OF 1841.

[*Passed on the* 11*th October*, 1841.

1. If any person lands, &c., in Territory subject to the Presidency of Madras, any Rum or Rum Shrub the produce of any foreign country, or of British Possession into which foreign Sugar or Rum can be legally imported, such Rum, &c., shall be seized, &c., and brought to confiscation, &c., unless the District in which the same, &c., is imported be one into which such importation is authorized by the Governor in Council.

2. Owner of Rum, &c., the produce of the said Territories, desirous to obtain certificate of origin, shall make a declaration in form A., appended to which shall be a certificate of its truth from the Officer attached to the Distillery where it was made.

3. If the District be one into which the Governor in Council has not authorized the importation of foreign Sugar, &c., or of Sugar the growth, &c., of British Possession into which foreign Sugar, &c., can be legally imported, the Officer before whom declaration is made shall grant certificate in form B.

4 and 5. Person intending to ship Rum, &c., for the United Kingdom, may produce to the Collector of Customs, &c., a certificate as above, and make declaration in Form C., and such Officer, unless he deems such declaration untrue, shall grant Certficate in Form D.

6. Owner of Rum, &c., not entitled to Certificate under this Act, unless the Rum, &c., is the produce of a distillery worked in the European method, &c.

7. The Rum, &c., manufactured for exportation to the United Kingdom, shall be manufactured pure, without admixture of spirits made from Rice, &c., or other substance not the produce of the Sugar Cane, &c., and shall be so declared.

8. If Rum, &c., brought to Customs for exportation shall be found to be adulterated, &c., the same with the casks, &c., shall be seized, &c., and the parties may be proceeded against for false and fraudulent declaration.

9. Any person knowingly affirming an untruth in any declaration, shall be punished as for perjury, and person procuring untrue affirmation, shall be punished as for subornation of perjury.

10. Nothing in this Act to prevent the necessity of a license under Regulation 1, 1820, for person intending to manufacture Rum, &c.

Schedules A. B. C. D.

An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort St. George in Madras.

Repealed by Act VI., 1863.

ILLUSORY APPOINTMENTS, &c.

Act No. XXIV. of 1841.

[*Passed on the* 18*th October*, 1841.

1 and 2. Statute 11, George 4, and 1 William 4, Cap. 40 and Cap. 65, to be extended to the Territories of the East India Company.

3. Statute 11, George 4, and 1 William 4, Cap. 60, except so much as provides that it shall not extend to cases of partition, extended to the Territories of the East India Company, as far as it is applicable, &c.

4. Statute 11, George 4, and 1 William 4, Cap. 47, Sections 10 and 11, extended to the Territories of the East India Company.

5. This Act to extend only to cases governed by English Law.

An Act for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the Effects of Testators; Illusory Appointments; the Transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters.

I. It is hereby enacted, that the Statute XI., George IV., and I. William IV., Ch. 40, entitled "An Act for making better provision for the disposal of the undisposed of residues of the Effects of Testators," shall be extended to the Territories of the East India Company as far as it is applicable to the same. Provided that this Act shall take effect from the 1st day of January next, which day is substituted for the 1st of September mentioned in the Statute.

II. And it is hereby enacted, that the Statute XI., George IV., and I. William IV., Ch. 46, entitled "An Act to alter and amend the Law relating to Illusory Appointments," and the Statute XI., George IV., and I. William IV., Cap, 65, entitled "An Act for consolidating and amending the Law relating to property belonging to infants, feme coverts, idiots, lunatic, and persons of unsound mind," shall, from the First day of January next, be extended to the Territories of the East India Company, as far as it is applicable to the same.

III. And it is hereby enacted, that the Statue XI., George IV., and I. William IV., Cap. 60, entitled "An Act for amending the Laws respecting conveyances and transfer of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give effect to their Decrees and Orders in certain cases," except so much thereof as provides that it shall not extend to cases of partition, shall, from the First day of January next, be extended to the Territories of the East India Company, as far as it is applicable to the same, and all provisions contained in the last-mentioned Statute relating to the Lord Chancellor of Great Britain, intrusted as therein is mentioned, or to Courts of Chancery, or their Decrees, shall be applicable to Her Majesty's Supreme Courts of the respective Presidencies. And the indemnity and discharge mentioned in the last Section of the same Act shall be applicable to the East India Company, and all Corporate Societies established within the Territories of the East India Company and their Officers and Servants.

IV. And whereas it is expedient to adopt the amendments of the English Law touching the delay of action, suits, or other proceedings, by reason of the parol demurring; and touching conveyances made by Infants under order of Courts; it is hereby enacted, that sections 10 and 11 of the XI. Geo. IV., and I. William IV., Ch. 47, intitled "An Act for consolidating and amending the Laws for faciliating the payment of debts out of real Estate," shall, from the First day of January next, be extended to the Territories of the East India Campany, as far as it is applicable in the same.

V. And it is hereby provided, that this Act shall not be construed to affect any case which would not have been governed by English Law as administered by Her Majesty's Supreme Courts previous to the passing thereof, or any proceedings at Law or in Equity commenced before the First of January next.

Extended by Act XIV., 1852, to the Straits' Settlements.

CONTEMPTS IN EQUITY.

ACT No. XXV. OF 1841.

[*Passed on the* 18*th October*, 1841.

1 If any person having been directed by decree or order to execute a deed,

&c., has refused, and been committed for contempt, &c., the Court may, two months afterwards, on motion, &c., appoint the Master, &c., to execute such deed, &c.

2. If any person shall be committed, for a contempt in not delivering books, &c., as ordered, the Sheriff, under writ of sequestration, may seize the same, &c., and after seizure may order discharge of prisoner, &c.

3. The discharge of prisoner under Insolvent Debtors' Act shall extend to process in Equity for contempt in non-payment of money, and to costs and charges.

4. In all cases of imprisonment for contempt issued out of Supreme Court, such Court may discharge the prisoner except as to costs, and as to such costs, the discharge under the Insolvent Debtors' Act shall extend.

An Act for amending the Law concerning imprisonment for contempts of decrees or orders made by Courts of Equity.

I., II. Repealed by Act V., 1855, s. 7.

III. And it is hereby enacted, that the discharge of any prisoner adjudicated upon under the authority of an Act passed in the 9 G. IV., C. 73, intitled "An Act to provide for the Relief of Insolvent Debtors in the East Indies until the 1st day of March, 1833," last, continued by an Act passed in the 3 and 4 Vic., C. 80, shall and may extend to all process in Equity issuing from Her Majesty's Supreme Courts for any contempt of such Court for non-payment of money, or of costs, charges *of* (*a*) expenses in any such Court, and that in such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay in consequence or by reason of such contempt, or on purging the same, and every discharge so adjudicated as aforesaid as to any debt or damages of any creditor of such prisoner shall be deemed to extend also to all costs incurred by such creditor before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoners for the purpose of the recovery of the same, and that all persons as to whose demands, for any such costs, money, or expenses, any such person shall be so adjudged to be discharged, shall be deemed and taken to be creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said last-mentioned Acts, subject, nevertheless, to such ascertaining of the said demands as may be had by taxation, or otherwise,

(*a*) So in Government Copy: read "or."

and to such examination thereof as is in the said last-mentioned Acts provided in respect of all claims to a dividend of such Insolvent's Estate and Effects.

IV. And be it further enacted, that in all cases of contempt, where any person or persons are, or is, or shall, at any time hereafter be in prison under or by reason of any commitment or attachment in Equity directed by or issued out of Her Majesty's Supreme Courts, such Court shall (upon the application of the person or persons against whom such commitment or attachment hath been directed or issued) have the power, if it shall so think fit, to discharge such person or persons from their, his, or her contempt, except as to the costs thereof, for which costs they, he or she shall remain in custody, and such costs shall be deemed within the provisions of the last preceding Section of this Act—and they, he, or she shall be discharged therefrom, and from the process of contempts in like manner as in the last preceding Section of this Act provided for in cases of process of contempt for non-payment of money or costs. Provided that this Act shall not weaken any of the other powers by this Act given, and that nothing herein contained shall alter or affect the operation of the said Acts for the Relief of Insolvent Debtors.

LAW AMENDMENT.—ENGLISH LAW.

ACT No. XXVI. OF 1841.

[*Passed on the* 18*th October*, 1841.

1. An action of Trespass or on the Case may be brought by Executors, &c., if brought within six months after death of the deceased for injury committed in his life time to real Estate, and against Executors within the same time for injury done by deceased to real or personal property of deceased.

2. Abolishes wager of Law.

3. Gives action of debt against Executor or Administrator.

4. Defendant in all personal actions (except Assault and Battery, False Imprisonment, Libel, Slander, Malicious Arrest and for Criminal Conversation, and Debauching Plaintiff's Daughter or Servant,) may by leave pay into Court a sum by way of compensation.

5. After issue joined, the parties by consent and order of a Judge, may agree that judgment shall be entered, subject to a case for the opinion of the Court.

6. The name of witness objected to as incompetent from interest may be indorsed on record, and such indorsement shall be sufficient evidence that he was examined, &c.

7. The Court on trial of issue may give damages in the nature of interest over and above the value of the goods in actions of Trover or Trespass, &c.

8 and 9. In cases governed by English Law, Executors of Lessor may distrain in like manner as Lessor, and six months after determination of term if the same tenant continue in possession.

An Act for extending in cases governed by English Law certain provisions of the Statute 3rd and 4th, William IV., Chap. 42, entitled "An Act for the further amendment of the Law and the better advancement of Justice."

I. Whereas there is no remedy provided in cases governed by English Law for injuries to the Real Estate of any person deceased, committed in his life time, nor for certain wrongs done by a person deceased in his life time to another in respect of his property, real or personal: for remedy thereof it is hereby enacted, that an action of Trespass, or Trespass on the case, as the case may be, may be maintained by the Executors or Administrators of any person deceased for any injury to the real Estate of such person, committed in his life time, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person; and the damages when recovered shall be part of the personal Estate of such person; and further that an Action of Trespass, or Trespass on the case, as the case may be, may be maintained against the Executors or Administrators of any person deceased for any wrong committed by him in his life time to another in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such Executors or Administrators shall have taken upon themselves the Administration of the Estate and Effects of such person; and the damages to be recovered in such action shall be payable in like order of Administration as the simple contract debts of such person.

II. And it is hereby enacted, that no wager of Law shall be hereafter allowed.

III. And it is hereby enacted, that an action of debt on simple

contract shall be maintainable in any of Her Majesty's Supreme Courts against any Executor or Administrator.

IV. And it is hereby enacted, that it shall be lawful for the Defendant in all personal actions (except actions for Assault and Battery, False Imprisonment, Libel, Slander, Malicious Arrest or Prosecution, Criminal Conversations or Debauching of the Plaintiff's Daughter or Servant), by leave of any of Her Majesty's Supreme Courts where such action is pending, or a Judge of any of the said Courts, to pay into Court a sum of money by way of Compensation or Amends, in such manner and under such regulations as to the payment of costs and the form of pleading as the said Judges or such Courts respectively shall by any rules or orders by them to be from time to time made, order and direct.

V. And it is hereby enacted, that it shall be lawful for the parties in any action or information, after issue joined, by consent and by order of any of the Judges of the said Courts, to state the facts of the case, in the form of a special case, for the opinion of the Court, and to agree that a judgment shall be entered for the Plaintiff or Defendant, by confession or of *nolle prosequi* immediately after the decision of the case, or otherwise as the Court may think fit; and judgment shall be entered accordingly.

VI. Repealed in effect by Act II., 1855, s. 14.

VII. And it is hereby enacted, that every such Court as aforesaid on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest, over and above the value of the goods at the time of the conversion or seizure, in all actions of Trover or Trespass *de bonis asportatis*, and over and above the money recoverable in all actions on Policies of Assurance made after the passing of this Act.

VIII. And it is hereby enacted, in cases which would be governed by English Law, that it shall be lawful for the Executors or Administrators of any Lessor or Landlord to distrain upon the Lands demised for any term, or at will, for the arrearages of rent due to such Lessor or Landlord in his life time, in like manner as such Lessor or Landlord might have done in his life time.

IX. And it is hereby enacted, that such arrearages may be distrained for after the end or determination of such Term or Lease at will, in the same manner as if such Term or Lease

had not been ended or determined; provided that such distress be made within the space of six calendar months after the determination of such term or Lease, and during the continuance of the possession of the Tenant from whom such arrears become due: provided also, that all and every the powers and provisions of law relating to distresses for rent shall be applicable to the distresses so made as aforesaid.

UNCLAIMED DIVIDENDS ON INSOLVENT ESTATES.

Act No. XXVII. of 1841.

[*Passed on the* 18*th October*, 1841.

1. Unclaimed Dividends on Insolvent Estates may after six years be ordered to be repaid to Assignees and by them distributed among Creditors.
2. Unclaimed Dividends, before they are distributed under this Act, shall be advertised in manner specified, &c.
3. Six months' wages may be paid to Servants before a Dividend is declared.
4. Act when to take effect.

An Act for appropriating the unclaimed Dividends on Insolvent Estates.

I. Whereas, pursuant to the Orders of the Courts for the Relief of Insolvent Debtors at the several Presidencies, divers sums on account of unclaimed Dividends on Insolvent Estates have, from time to time, been paid over by the Assignees of such Insolvent Estates into the hands of the Accountant-General and Sub-Treasurer of the East India Company at such several Presidencies with the privity of the Accountant-General of the said Insolvent Courts, to the credit of the persons named in the Schedules as Creditors of such Insolvents respectively; and whereas it is expedient that in the event of no claim being established to such unclaimed Dividends, or any part thereof, within a reasonable time, such Dividends should be distributed among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively:

It is therefore enacted, that it shall be lawful for the said Courts, of Insolvent Debtors respectively, in the event of no claim being

established to such Dividends or any part thereof, within six years after any Dividend shall have been so paid over, as aforesaid, to order the same to be repaid to such Assignees, to be by them distributed among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively, and to order such claims to be expunged from such Schedules. Provided that this Act shall not affect the right of any party to be paid such Dividends out of any future Assets which may come to the hands of the Assignees, together with any future Dividends which may be declared on such Insolvent Estates respectively in the event of any such claim being afterwards established.

II. And it is hereby enacted, that no such unclaimed Dividend shall at any time be distributed under this Act unless a Statement of such unclaimed Dividends be previously published in manner following: One year at least before making any such division as aforesaid a statement shall be published three times in the English language, and also in one or more Native languages in the Official Gazettes of the respective Presidencies, which statement shall contain the names and descriptions as contained in the Schedules of all parties in respect of whose claims Dividends are reserved, together with the amount of such claims respectively, and shall specify whether any former Dividend or Dividends have been paid in respect thereof, and whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued. Provided always that this Act shall not authorize the distribution of any such Dividend except where no person shall at any time have substantiated any claim to the debt in respect of which such Dividend may have become due.

III. And it is hereby further enacted, that in case it shall appear that any Insolvent is indebted to any Domestic Servants for Wages, it shall be lawful for such Courts at or before the time of declaring a Dividend to order the amount due for such Wages, but not exceeding in the whole the amount of six months' Wages to be paid to such Servants out of the Estate of such Insolvents.

IV. And be it enacted, that this Act shall not take effect until the First day of January, 1843.

COURTS MARTIAL.

ACT No. XXVIII. OF 1841.

[*Passed on the* 15*th November*, 1841.

Offender not being a Commissioned Officer, to be amenable to Articles of War for Native forces, as Soldiers are under Act XXIII., 1839.

An Act for extending Act No. XXIII. of 1839, to Camp Followers.

Repealed by Act XXIX., 1861, s. 1.

BENGAL AND MADRAS.—DISMISSAL OF SUITS AND APPEALS.

ACT No. XXIX. OF 1841.

[*Passed on the* 13*th December*, 1841.

1. Plaintiff or appellant neglecting to proceed for six weeks, suit or appeal to be dismissed, without previous notice, unless further time has been previously obtained on special ground. The Court shall record its reasons for giving further time, but not for refusing it.

2. Defendant or respondent to have costs if suit of appeal is dismissed.

3. Repeals Clause 2, Section 27, Regulation 23, 1814, of the Bengal Code; and Clause 2, Section 26, Regulation 6, 1816, of the Madras Code, Enacts—No appeal against dismissal of a suit or appeal, other than a summary appeal on the fact of default shall be allowed.

An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of Suits and Appeals for neglecting to proceed in the same.

I. It is hereby enacted that if a Plaintiff or Appellant in any Court shall, at any time, neglect to proceed in his Suit or Appeal for six weeks, the Suit or Appeal shall be dismissed; and it shall not be necessary to give the Plaintiff or Appellant any notice previous to dismissing his Suit or Appeal. The Suit or Appeal shall be dismissed as of course after the expiration of six weeks without any proceeding on the part of the Court, or of the Defendant, or otherwise, or assignment of any reasons, unless the Plaintiff or Appellant, or his representative, in case of his death, upon special application, shall have previously satisfied the Court of the propriety of allowing further time. The Court shall record upon the proceedings the reasons at large for allowing further time in all

cases in which further time may be allowed, but it shall not be necessary to specify the reasons for refusing any application for further time.

II. And it is hereby enacted, that in all cases in which a Suit or Appeal is dismissed under the preceding Section the Court shall award to the Defendant or Respondent the costs he may have incurred in the Suit or Appeal. But such dismissal shall be no impediment to the institution of a new Suit or Appeal, where the party is not precluded by lapse of time, or period of Appeal, or otherwise than by the mere circumstances of having instituted the Suit or Appeal dismissed and of such dismissal, and such dismissed Suit or Appeal shall not prevent lapse of time under the Law of Limitations being incurred.

III. And it is hereby enacted, that clause 2, Section 27, Regulation XXIII. of 1814, of the Bengal Code, and Clause 2, Section 26, Regulation VI. of 1816, of the Madras Code, are repealed, and no appeal shall lie against the decision passed in accordance with the provisions of the preceding Clauses of this Act, other than a summary appeal on the fact of default.

Repealed by Act X., 1861, as to parts where the Code of Civil Procedure is in operation.

OBSTRUCTIONS TO JUSTICE.

Act No. XXX. of 1841.

[*Passed on the 20th December*, 1841.

1. All persons using menacing gestures, &c., or otherwise obstructing Justice in the presence of any Zillah or City Magistrate, Joint Magistrate, &c., or any superior or inferior Court, Civil or Criminal, may be fined not exceeding 200 Rupees, or if not paid imprisoned for one month. Party aggrieved may appeal within one month. Party, if not proceeded against under this Act, may be indicted in Her Majesty's Supreme Courts.

2. The Sudder Board of Revenue, Local Commissioners, &c. Collectors, &c., may punish any of the aforesaid offences by fine or imprisonment in the Civil Gaol Party aggrieved may appeal to the Supreme Revenue authorities.

3. Repeals Section 42, the further proviso in Section 74, Regulation 23, 1814; Clauses 2 and 3, Sections 5 and 6, Regulation 12, 1825.

An Act for repressing Obstructions to Justice in certain Courts of the East India Company.

I. Whereas sufficient provision is not made for repressing obstructions to Justice committed in the Courts of the East India Company: It is hereby enacted that all persons whatsoever, whether generally amenable to the Courts of the East India Company or otherwise, using menacing gestures or expressions, or otherwise obstructing Justice in the presence of any Zillah or City Magistrate, Joint Magistrate, or other Officer under a Magistrate empowered to try Criminal cases, or any superior or inferior Court, Civil or Criminal, of the East India Company, shall be liable to be fined by the Authority whose proceedings are obstructed to any amount not exceeding 200 Rupees, or in case such fine be not paid to be imprisoned for any period not exceeding one month. Provided that from the award of punishment in such cases an appeal shall lie, if preferred within one month, to the Authority, Civil or Criminal, appointed by Law to hear appeals in all other cases from the decisions of the Officer by whom the fine was imposed; and provided also that notwithstanding any thing in this Act it shall be lawful to indict any person amenable to Her Majesty's Supreme Courts as for a misdemeanor in any of the cases aforesaid sustainable before this Act, if no proceeding shall have been had against the offender in the Court where the offence was committed, but not otherwise. [Repealed by Act XVII., 1862, as to parts where Code of Criminal Procedure is in operation.]

II. And it is hereby further enacted, that the Sudder Board of Revenue, the Local Commissioners, or other Officers exercising the powers of either of those authorities, the Collectors, or other Officers exercising the powers of Collector, shall be competent to punish any obstruction of the nature aforesaid, by fine to an extent not exceeding 200 Rupees, and in case such fine be not paid by imprisonment in the Civil Gaol for a period not exceeding one month. Provided that the orders past in such cases shall be subject on appeal to the revision and control of the superior Revenue Authorities, as in all others, and shall, as well as the sentences passed under Section I. of this Act, be carried into effect by the Magistrate, on application being made to that Officer, in the usual mode.

III. And it is hereby enacted, that Section 42, the further proviso contained in Section 74, Regulation XXIII., 1814;

Clauses second and third, Section 5, and Section 6, Regulation XII. of 1825, of the Bengal Code, are repealed.

BENGAL.—CRIMINAL APPEALS.

ACT NO. XXXI. OF 1841.

[*Passed on the 20th December*, 1841.

1. Repeals those parts of the Bengal Code which concern the powers, &c., of Criminal Courts in respect to appeals, &c.

2. From every sentence, &c., in Criminal trials within Sections 8 and 9, Regulation 9, 1793; Section 4, Regulation 16, 1695, and Sections 8 and 9, Regulation 6, 1803, or in judicial proceedings other than Criminal trials passed by an Assistant to a Magistrate, a Sudder Ameen, &c., or by any Officer inferior to a Magistrate, there shall be one appeal to the Magistrate, &c., within one month, &c.

3 and 4. Nizamut Adawlut may call for the records of any Criminal trials of any subordinate Court, and pass upon them such orders as may seem fit; but (Section 4), may not enhance any punishment or punish person acquitted.

5. Sessions Judge, Magistrate, Joint Magistrate, &c., may call for, &c., the records of any Court subordinate to them, to examine as to regularity of their proceedings; but not to alter except upon appeal any sentence or order, &c.

6. Sessions Judge may refer to the Nizamut Adawlut any trial in which he thinks the sentence he is empowered to pass, inadequate.

7. This Act not to affect the provisions of Act 24, 1837, as to Superintendent of Police.

An Act for amending the provisions of the Bengal Code touching Criminal Appeals, and the revision of Sentences and orders of Criminal Courts.

I. Whereas the provisions of the Bengal Code concerning Criminal Appeals and revisions of Sentences and Orders of Criminal Courts require to be amended:

It is hereby enacted, that those parts of the Bengal Code which concern the powers and duties of the Criminal Courts in respect to appeals and revision of Sentences of a Lower Court by a higher, are repealed.

II. And it is hereby enacted, that from every sentence or order in Criminal trials, within the limitation prescribed by Sections 8 and 9, Regulation IX., 1793, Section 4, Regulation XVI., 1795, and Sections 8 and 9, Regulation VI., 1803, or in Judicial proceedings other than Criminal trials passed by an Assistant to a Magistrate, or by a Sudder Ameen, or by a Law

Officer, or by any other Officer under a Magistrate empowered to try Criminal cases, there shall be permitted one appeal to the Magistrate, Joint Magistrate or Officer exercising the powers of Magistrate, within one month from the date of such Sentence or Order. And from every Sentence or Order in Criminal trials beyond the limitation prescribed by Sections 8 and 9, Regulation IX., 1793, Section 4, Regulation XVI., 1795, and Sections 8 and 9, Regulation VI., 1803, or in Judicial proceedings other than Criminal trials passed by a Magistrate, Joint Magistrate, Assistant to a Magistrate vested with special powers, or other Officer empowered to try Criminal cases, there shall be permitted within one month as aforesaid one appeal to the Sessions Judge. And from every Sentence or Order passed in Criminal trial by a Sessions Judge, there shall be permitted within three months one appeal to the Court of Nizamut Adawlut. And except as provided in the next Section of this Act the Sentences or Orders passed upon such appeals shall be final.

III. And it is hereby enacted, that it shall be at all times lawful for the Courts of Nizamut Adawlut to call for the records of any Criminal trials of any Subordinate Court and to pass upon them such orders as may seem fit.

IV. Provided however, and it is hereby enacted, that it shall not be lawful for the Court of Nizamut Adawlut in cases so called for, or for any Criminal Court in appeals referred to it, to enhance any punishment awarded, or to punish any person acquitted by the Court below.

V. And it is hereby enacted, that it shall be at all times lawful for a Sessions Judge and for a Magistrate, Joint Magistrate, or Officer exercising the powers of Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate Court; but it shall not be lawful for any Court under the decree of the Nizamut Adawlut to alter any Sentence or Order of any Subordinate Court, except upon Appeal by parties concerned, duly made according to the provisions of this Act.

VI. And it is hereby enacted, that it shall be competent to a Sessions Judge to refer to the Nizamut Adawlut any trial in which he may consider the sentence he is empowered to pass, in

adequate to the guilt of the prisoner, any thing in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that nothing in this Act contained shall be held to alter or interfere with the powers and duties of a Superintendent of Police as laid down in Act. No. XXIV. of 1837, and other parts of the Bengal Code.

Repealed by Act XVII., 1862, as to parts where Code of Criminal Procedure is in operation.

CALCUTTA.—ABKAREE.

Act No. I. of 1842.

[*Passed on the* 10*th January*, 1842.

Laws, &c., prohibiting the sale of Liquors without license, to be applicable to the sale of Opium and other intoxicating Drugs in Calcutta.

An Act for better regulating the sale of Opium and other in toxicating Drugs within the Town of Calcutta.

Repealed by Act XI., 1849.

GOVERNOR GENERAL.

Act No. II. of 1842.

[*Passed on the* 28*th March*, 1842.

1. The Governor General, during his absence from Calcutta, may exercise alone all powers except that of making Laws, &c.

2. Act to commence from time notified in the Official Gazette.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Expired.

CALCUTTA AND RIVER HOOGHLY.

Act No. III. of 1842.

[*Passed on the* 22*nd July*, 1842.

Extends Act XXI. of 1839, to specified cases of petty thefts, where the value does not exceed 20 Rupees, though they are not cases of simple larceny.

An Act for extending the Provisions of Act XXI. of 1839, to certain Petty Thefts, not being cases of Simple Larceny.

Repealed by Act XIII., 1856.

MADRAS ROADS.—BOAT REGULATIONS.

Act No. IV. of 1842.

[*Passed on the 22nd July*, 1842.

1. No person, either as owner or servant, shall use, &c., any Boat or Catamaran to carry passengers, &c., to or from Madras Roads and Shore, unless licensed. Boats and Catamarans also to be licensed. Persons breaking this Law to be fined not exceeding 50 Rupees.

2. The Master Attendant, if satisfied that the Boat is proper for the purpose, shall, upon application by the Owner, grant a license, containing specified particulars to be registered, and upon a change of Ownership the new Owner shall give notice, &c., to Master Attendant, and be entitled, on specified terms, to a new license. Fine of 50 Rupees for breach of above Provisions. Fee of 1 Rupee to be paid for license.

3. Master Attendant, before he grants license, shall cause Boat to be surveyed and measured; and defects of admeasurement, seaworthiness, and quality of the Boat to be rectified. Fine of 3 Rupees to be paid to Master Attendant.

4. The Registered number of Boat to be painted in black figures, &c., on white ground, on side of the bow and on the opposite quarter. Boat shall be forfeited if any number, not duly registered, is painted or counterfeited, and offender to forfeit 100 Rupees.

5. Master Attendant to cause the number of the Registry to be cut or branded in the most common native characters on Boat. Owner neglecting to keep any figure cut or branded, &c., or wilfully concealing, &c., the same, shall forfeit not exceeding 100 Rupees, &c.

6. Every licensed Boat of the description now in use, &c., shall be manned with not less than 2 steersmen, 8 rowers and 1 Baler, and shall, if required, carry any number of passengers not exceeding 15, or specified quantity of goods, &c. Other licensed Boats shall be manned, &c., as Master Attendant in license shall direct, &c.

7. If Boat is loaded with more passengers or cargo than allowed by license, the Tindal may be fined not exceeding 5 Rupees for every surplus passenger, &c., and the Owner 50 Rupees, and other persons 10 Rupees, &c.

8. No licensed Boat or Catamaran shall leave the shore before gun-fire in the morning, nor after 5 o'clock in the afternoon, nor remain alongside after 6 o'clock in the afternoon without leave of Master Attendant, who may prevent any Boat putting off at any time by hoisting flags, &c.

9. On the 15th December, every year, the Owners of licensed Boats and Catamarans, shall expose them and their crews on the beach for the inspection of the Marine Board, &c., and the Master Attendant may require their exposure monthly or oftener, &c. Owner refusing to do so, or in case Master Attendant deems Boat, &c., when exposed, unseaworthy, &c., the license shall be suspended, &c.

10. Regulates between what limits Grain and other Goods excepting Timber, shall be landed. Person attempting to land Goods elsewhere, to be liable to fine not exceeding 100 Rupees, &c.

11. Regulates between what limits all Vessels other than native vessels or Donies shall Anchor, &c. Owner of licensed Boats, &c., communicating with Vessels anchored elsewhere, to be liable to pay not exceeding 10 Rupees.

12. Owners of Boats, &c., kept to let out for hire, shall, when boats are not engaged, give daily attendance at the Boat Office from 5 A. M. till 6 P. M., or in default owner to be fined not exceeding 10 Rupees.

13. Owner of Boat, &c., demanding higher rate for hire than is sanctioned by Schedule B., shall forfeit 10 Rupees and amount of hire.

14. Owner, &c., of licensed Boat, &c., kept to let for hire, refusing to let on hire such Boat, &c., without reasonable cause, shall be liable to penalty of 20 Rupees, and for second refusal 100 Rupees and to forfeit license.

15. Boatmen serving in any such Boat, &c., wilfully neglecting duty and thereby causing impediment to the service of Boat, &c., shall for first offence be liable to receive 3 dozen lashes, and if life shall have become endangered, and for second offence imprisonment with hard labour for not exceeding 6 months.

16. Owners of Boats, &c., to keep and provide for service during the night ten Boats, &c., according to a course of rotation to be specified by the Master Attendant, &c. Owners making default without reasonable excuse to be liable to penalty (if owner of Boat) of 20 Rupees for first and 50 for second offence, and if the owner of Catamaran to 5 and 10 Rupees respectively.

17. Boats kept to be let out, shall be kept dunnaged and seaworthy, or in default, owner shall be liable to pay 5 Rupees, &c.

18. The owner of Boat, &c., holding communication with any ship or vessel in the Offing, &c., before the Master Attendant's Report Boat, &c., has boarded such Ship, &c., shall forfeit 20 Rupees, &c., or for attempting to hold such communication 10 Rupees.

19. The Master Attendant, &c., may go on board any Boat, &c., and search for prohibited, &c., goods, and examine Packages, &c., and may search persons, &c., but females to be searched only by females Persons resisting, &c., the performance of these acts to be liable to fine not exceeding 100 Rupees, &c., or to imprisonment, &c., not exceeding 6 months; and license to be forfeited if offence is by Boat owner, &c.

20. Repeals Section 3, 4, 7, 8, 9, and 10, of Police Regulations.

21. The jurisdiction, &c., given by the aforesaid Regulation may be exercised by any Justices of the Peace, &c.

22. Every person using, &c., Boat, &c., in the Madras Roads, shall be amenable to Sections 11, 12, and 13, of the said Regulation.

23. Extends Section 36, of such Regulation to fixing up, &c., of notice under this Act, &c.

24. All pecuniary forfeitures, &c., under this Act shall be determined by Justice of the Peace of the Town of Madras. Penalties to be recovered by Warrant against goods, &c., which if not sufficient, offender may be committed to prison, &c.

An Act for the better management of Boats and Catamarans in the Madras Roads, and for the amendment of certain Harbour Regulations.

Whereas it is expedient to make Regulations for Boats and Catamarans employed in the Madras Roads, with a view to the better preservation of good order, the prevention of smuggling, and the general protection of life and property, and whereas certain Rules now in force for the Harbour of Madras require amendment:

I. It is hereby enacted, that from and after the 1st day of September next, no person either as Owner or Servant, shall use or employ, or be employed in, any Boat or Catamaran to carry Passengers, Goods or Letters, to or from any Ship or Vessel lying in the Madras Roads and Shore, unless such Owners or Owner of Boats and Catamarans shall have previously received a License, and unless the Boat or Catamaran which such Owners or Owner, Servants or Servant shall so use, has been registered as hereinafter mentioned, and in case any person who has not received such license shall employ or be employed in a Boat or Catamaran for the purposes aforesaid, or such Boat or Catamaran shall not have been so Registered, such person shall be liable to a fine not exceeding the sum of 50 Rupees on conviction before a Justice of the Peace, as that Justice shall direct, and the Boat or Catamaran shall be liable to be seized by the orders of any Justice of the Peace and forfeited.

II. And it is hereby enacted, that upon the Master Attendant being satisfied that any such Boat is of the proper dimensions and capacity, and that the same is seaworthy, and of a proper quality for the purposes aforesaid, and upon the application of the Owner of any such Boat or of any Catamaran, and upon such Owner delivering to him a written paper signed by such Owner specifying his name, occupation and place of residence, and the name

and places of residence of all such Boatmen or other persons as shall be employed by such Owner in and about the navigation and management of such Boat as particularly as may be, and also subscribing to a declaration in writing that he fully understands all the provisions of this Act and those contained in the Subsidiary Rules to the same Act, it shall and may be lawful, and the said Master Attendant is hereby required to grant to such Owner a License so to use the same, in which License (if of a Boat) shall be expressed the dimensions, the number of Passengers or the quantity of Goods which such Boat shall be permitted to take and carry, and every such License shall also contain a number for such Boat or Catamaran: and the name or names, occupation or occupations, and place or places of residence of the Owner or Owners thereof, and the number of the Servants or Crew who shall be used or employed to row or navigate the same, and their names and places of residence respectively, all of which particulars shall be entered in a Book of Registry for that purpose to be kept by the Master Attendant, and so often as the property in any such Boat or Catamaran, or any share of the same shall be transferred, every Owner of such Boat or Catamaran shall produce his License before the said Master Attendant, and such new Owner shall also deliver to him a written paper signed by such new Owner specifying his name, occupation and place of residence, and the names and places of residence of all such Boatmen or other persons as he shall employ, or propose to employ, in and about the navigation and management of such Boat as particularly as may be, and shall also subscribe to a declaration in writing that he fully understands all the provisions of this Act, and those contained in the Subsidiary Rules to this Act, all which said paticulars shall be duly entered by the said Master Attendant in a new Registry to be made by him of such Boat or Catamaran, andthere upon a new License to use such Boat or Catamaran expressing and containing the same particulars as are hereinbefore provided to be expressed in the original License shall be granted by the said Master Attendant, and whenever any such Owner or Owners, or any of the Boatmen or other persons employed to manage or navigate any such Boat or Catamaran shall change his or their place of abode, notice of such change of abode shall be delivered to the said Master Attendant by

the said Owner, in or that such new place of abode may be entered in the Registry and License. In wilful neglect or default of which notice of change of Ownership or of the person employed to row or navigate any such Boat, or of his or their or any or either of their change of residence for the space of six days after any such change of residence, the Owner shall forfeit a sum not exceeding 50 Rupees on conviction before a Justice of the Peace, as that Justice shall direct, and for every such new Registration to be made by the said Master Attendant as aforesaid he shall be entitled to charge by way of fee the sum of one Rupee, and for every new License thereof the sum of one Rupee.

III. And it is hereby enacted, that in order to enable the said Master Attendant to grant a correct License of the Registry of every such Boat previous to the Registry of any Boat requiring such License, the Master Attendant or his Deputy shall in the presence of the Owner of every such Boat or any other person duly appointed by such Owner, cause each Boat to be surveyed and measured, and in case the same shall not, in the judgment of the said Master Attendant or his Deputy, be of the proper dimensions and capacity, and seaworthy, and of the proper quality for the purposes aforesaid, no Registry shall be made nor License be granted, until every such defect in the admeasurement, seaworthiness and quality of the said Boat shall have been rectified by the Owner thereof, and for every such survey and admeasurement a fee of three Rupees shall be paid by the Owner of any such Boat to the said Master Attendant.

IV. And it is hereby enacted, that the said Owner or Owners of every such Boat shall forthwith paint in black English figures, not less than six inches in length, upon a white ground, such white ground having a margin of at least three inches beyond, the outermost part of the figures, on a conspicuous part of the bow on one side and of the quarter on the other, and in a legible and distinct manner, from left to right, the number in such Registry and License mentioned, and if any person shall fraudulently paint or counterfeit, or cause or permit to be painted or counterfeited upon any Boat, any figure not having been duly registered, every such person shall forfeit the sum of 100 Rupees, and every such Boat shall also be forfeited.

V. And, for the better prevention of fraud or omission in the

painting the figures hereinbefore provided to be painted, on all Boats, let out for hire as well as for the better distinguishing and identifying such Boats and Catamarans as have been registered and licensed, it is hereby enacted, that so often as any Registry is made, the said Master Attendant shall cause the number in the same to be cut or branded in the most common native characters, in some part or parts of every such Boat and Catamaran, and if the Owner or Owners of any such Boat shall neglect or refuse to keep painted, cut, or branded any figure hereinbefore required to be painted, cut, or branded, on any such Boat or Catamaran, in a fair and legible condition, or if he shall paint, cut, or brand the same in a different manner or on a different part of such Boat than is hereinbefore provided, or shall wilfully erase, obliterate or in any way hide or conceal the same, or if the Owner of any such Boat or Catamaran shall knowingly permit any such act to be done, he shall forfeit a sum not exceeding 100 Rupees on conviction before a Justice of the Peace as that Justice shall direct, and if any person not being such Owner shall be guilty of, or shall assist in any such incorrect painting, cutting, branding, erasure or concealment, he shall forfeit one moiety of the penalty in this Article imposed.

VI. And it is hereby enacted, that every Boat of the description and dimensions now in use (that is to say) not more than thirty-three feet in length, nine feet in breadth, and four feet four inches in depth, nor less than thirty feet in length, six feet in breadth and three feet six inches in depth, which shall be so licensed and registered as aforesaid, shall be manned with not less than two Steersmen, eight Rowers and one Baler, and shall if required, be obliged to carry at one time any number of Passengers not exceeding fifteen, or any quantities of Goods not exceeding the quantity mentioned in the Schedule A. hereunder written; and in case Boats of different construction and dimensions shall be licensed and registered they shall be manned in such manner and shall be obliged to carry such Passengers or such a quanitity of Goods as the Master Attendant shall direct, and shall express in the Licence under the penalty of 50 Rupees.

VII. And it is hereby enacted, that if any Boat be loaded with Passengers or Cargo beyond the number or quantity spe-

cified in the License granted to such Boat, the Tindal of such Boat shall be liable to a fine not exceeding 5 Rupees on conviction before a Justice of the Peace for every such surplus Passenger, and for every Candy weight of such Cargo beyond such specified quantity, and the Owner of such Boat shall be liable to a fine of 50 Rupees on conviction before a Justice of the Peace, for every such surplus Passenger or surplus Candy weight of Cargo. And every person other than the Tindal or Owner who shall be guilty either as principal or accessary of the like offence of overloading any Boat shall be liable to a fine of 10 Rupees on conviction before a Justice of the Peace for every such surplus Passenger or surplus Candy weight of Cargo.

VIII. And it is hereby enacted, that no Boat or Catamaran so licensed shall leave the shore before gunfire in the morning, nor after 5 o'clock in the afternoon, nor shall remain alongside any Ship or Vessel after 6 o'clock in the afternoon without leave from the Master Attendant or his Deputy, who shall be at liberty to prevent any Boat or Catamaran from putting off to or from the shore when in his judgment the doing so would be attended with danger, on which occasions the Master Attendant shall hoist at the mast head of his flag-staff the following Flags, viz: The white pendant with a red ball under a red and white chequered Flag; and in case any person offend against this Clause he shall be liable on conviction before a Justice of the Peace to forfeit and pay a sum not greater than 30 Rupees.

IX. And it is hereby enacted, that on the 15th day of December in every year the Owners of Boats and Catamarans which shall have been so licensed and registered as aforesaid shall expose them and their Crews on the Beach for the inspection of the Marine Board, and the Master Attendant shall once in every month or oftener, and as often as he may think necessary, require the Owner of the said Boats and Catamarans, or any one or more of them, to expose them and their Crews on the Beach for his inspection; and in case any Owner shall neglect or refuse so to expose a Boat or Catamaran belonging to him, and in case, on any Boat or Catamaran being so exposed the Master attendant shall deem it unseaworthy, or that its Crew is in an inefficient state, he shall suspend the License granted in respect thereof until the said Boat or Catamaran shall have been repaired and the Crew rendered

efficient to the satisfaction of the Master Attendant—and it is hereby declared, that in case the Owner of any such Boat or Catamaran shall refuse or neglect to make such necessary repairs to the same and to render efficient the Crew thereof, within one month after such inspection, the License shall altogether be withdrawn from such Boat.

X. And it is hereby enacted, that Grain shall be landed within the space between the north angle of the Custom House and Clive's Battery, and all other Goods, excepting Timber, shall be landed within the space between the north angle of the Custom House and the south angle of Bentinck's Buildings, and the Timber may be landed any where if the permission of the Collector of Sea Customs be first obtained, and if such permission shall not have been obtained it shall be landed within the space between the north angle of the Custom House and Clive's Battery, and in case any person shall land or be engaged in attempting to land any Goods otherwise than as before directed, every such person shall be liable to pay on conviction before a Justice of the Peace a sum not greater than 100 Rupees as that Justice of the Peace shall determine.

XI. And it is hereby enacted, that all Vessels other than those commonly known as Native Vessels or Donies shall anchor in the South Roads, the north angel of the Fort being one point, and the Master Attendant's Flag-staff the other, and all Vessels commonly known as native Vessels or Donies shall anchor in the North Roads, the north angle of the Custom House being the southern, and the Village of Royapooram the northern point, and the owner of any Licensed Boat or Catamaran, on holding (except at the request of the Master Attendant) communication with a Vessel which shall be anchored otherwise than as aforesaid, shall, on conviction thereof before a Justice of the Peace, be liable to pay a sum not greater than 10 Rupees as such Justice of the Peace shall direct.

XII. And it is hereby enacted, that the Owner or Owners of all Boats and Catamarans kept for the purpose of being commonly let out for hire shall, when the same shall not be engaged in doing actual service for hire, by themselves or their Agents give daily attendance at the Boat Office from 5 A.M. until 6 P.M. so as to be ready to provide upon immediate notice their Boats or Catamarans

for service or hire, and that for any neglect in so giving attendance (unless occasioned by sufficient excuse) such Owners shall be punishable by a Justice of the Peace on conviction by a fine not exceeding 10 Rupees.

XIII. And it is hereby enacted, that if any Owner of a Boat or Catamaran so licensed, or any person deputed by him shall demand a rate of hire beyond that which is sanctioned by Schedule B. under the several circumstances and restrictions therein provided for, he shall, on conviction before a Justice of the Peace, forfeit the sum of 10 Rupees, together with the amount of such hire.

XIV. And it is hereby enacted, that if any Owner of a Boat or Catamaran so licensed, "and kept or employed for the purpose of being let out commonly on hire," or any person deputed by him refusing to let on hire such Boat or Catamaran for public or private use, and within the hours and in the terms specified in the Schedule B. to this Act, without assigning such cause for his refusal as shall be deemed satisfactory or reasonable to the Justice of the Peace trying such offence, will, on conviction before a Justice of the Peace, be liable to the penalty of 20 Rupees, and for a second refusal to a fine 100 Rupees and to the forfeit of his license.

XV. And it is hereby enacted, that if any Boatman or Boatmen serving in any Boat or Catamaran kept and employed for the purpose of being let out commonly on hire to carry Passengers, Cargo, or Letters, shall by wilful neglect or desertion of his duty, cause any impediment to the service of any such Boat or Catamaran, he or they shall for the first offence be liable to receive corporal punishment not exceeding three dozen lashes on conviction before a Justice of the Peace, and if life shall have been thereby endangered, or in case of a second offence, he or they shall be committed to hard labour for a term not exceeding six months.

XVI. And it is hereby enacted, that the Owners of Boats and Catamarans, which are kept or employed for the purpose of being commonly let out for hire, shall keep and provide for service during the night, that is to say, from six o'clock in the Afternoon until six o'clock in the Morning at least, ten Boats and four Catamarans with their respective Crews, according to a course of rota-

tion to be specified by the Master Attendant on the first day of every current month, and to be notified in writing on some conspicuous part of his Office as regards the particular nights for the attendance of particular Boats and Catamarans, and every Owner of any such Boat or Catamaran who shall fail to provide his Boat or Catamaran, without assigning such excuse for such failure as shall be deemed satisfactory or reasonable to the Justice of the Peace trying such offence shall, if the owner of a Boat, on conviction before a Justice of the Peace, be liable to a penalty of 20 Rupees; and for a second offence to the penalty of 50 Rupees, and if the owner of a Catamaran be liable to the penalty of 5 Rupees and for a second offence to the penalty of 10 Rupees.

XVII. And it is hereby enacted, that every Boat kept and employed for the purpose of being commonly let out for hire as aforesaid, shall be kept well and completely dunnaged and seaworthy, and in default thereof, the Owner or Owners of every such Boat or Boats shall, upon conviction before a Justice of the Peace, forfeit for each instance of neglect the sum of 5 Rupees, and if any Goods or Cargo shall have received injury or damage thereby the sum of 20 Rupees besides and over and above any legal liability to compensate such loss, and if life shall have been endangered thereby, a sum not exceeding 100 Rupees, and also be liable at the discretion of such Justice to have his licence for such Boat revoked.

XVIII. And it is hereby enacted, that if any communication by Boat or Catamaran is held with any Ship or Vessel in the offing, or beyond the limits of the Anchorage before the Master Attendant's Report Boat or Catamaran has boarded such Ship or Vessel, the Owner of such Boat or Catamaran shall forfeit the sum of 20 Rupees, and if any attempt is made to hold such communication without the permission of the Master attendant, he will incur a penalty of 10 Rupees.

XIX. And it is hereby enacted, that it shall be lawful for the Master Attendant or his deputy, the Collector of Sea Customs or his Deputy, and all sitting Magistrates and qualified Justices of the Peace, or such person or persons as he or they shall by warrant under their hands duly authorize for that purpose from time to time to go on board any Boat or Catamaran, and to search all parts of such Boat or Catamaran for prohibited or uncustomed or

smuggled Goods, and also to examine into all Packages, Boxes or Baggage of whatever description, within or upon such Boat or Catamaran or landed therefrom, provided such Master Attendant or his Deputy, or other person to be appointed as aforesaid, shall have good reason to suppose that any such Package, Box or Baggage contains any smuggled or prohibited Goods, and they shall likewise have power and authority to search any person or persons on board any such Boat or Catamaran, or who may have landed therefrom, provided such Master Attendant or his Deputy or other person appointed as aforesaid, shall have good reason to suppose that such person or persons hath or have any uncustomed, smuggled or prohibited Goods secreted about his or her persons; provided always that no female shall be searched by any other person than a female duly authorized for that purpose by the Collector of Customs; and it is hereby further enacted, that if any person shall resist to impede any or either of the said parties hereinbefore authorized to go on board, examine and search as hereinbefore provided in the execution of their duty, or in any manner prevent the performance of such duty, every such person shall be liable according to the circumstance of the case and the quality of the party offending, upon conviction before a Justice of the Peace, to fine not exceeding 100 Rupees, or to imprisonment with or without hard labour on the roads or otherwise for a period not exceeding six months, and in case any such offence be committed by any Owner of Boat or Catamaran such Owner shall likewise forfeit his license.

XX. And it is hereby enacted, that the Sections III., IV., VII., VIII., IX., and X. of the Rule, Ordinance and Regulation passed by the Governor in Council of Fort St. George commonly called the Marine Police Regulation, be hereby cancelled and repealed.

XXI. And it is hereby enacted, that the jurisdiction and authority ordained to be exercised by the Master Attendant and Deputy Master Attendant for the time being of the Port of Madras jointly or severally as Justice of the Peace, by virtue of the hereinbefore recited Regulation, shall and may be exercised (as regards such parts of the said Regulations not hereinbefore repealed by any Justices of the Peace in and for the Presidency of Madras in like manner jointly or severally.

XXII. And it is hereby further enacted, that every person whatever who, either as Owner or Servant, shall use or employ, or be employed in any Boat or Catamaran in the Madras Roads shall be amenable to Sections XI., XII., and XIII. of the above recited Regulation.

XXIII. And it is hereby further enacted, that Section XXXVI. of the above recited Regulation shall hereafter apply to the fixing up at the Offices therein mentioned copies of the same, omitting all other notice of those Sections thereof which are by this Act repealed, save that the same are so repealed.

XXIV. And it is hereby enacted, that all pecuniary forfeitures and penalties had or incurred under or against this Act, shall and may be heard and determined by any Justice of the Peace of the Town of Madras, who is hereby empowered and authorized to hear and determine the same, and to issue his summons or warrant for bringing the party or parties complained of before him the said Justice, and upon his, her or their appearance or contempt and default to hear the parties, examine witnesses and to give judgment or sentence according as in and by this Act is directed; and it is hereby further declared that it shall be lawful for any Justice who may have adjudged any pecuniary penalty under the provisions of this Act to award and issue out a warrant or warrants under his or their hands and seals, for the paying of such forfeitures and penalties as may be imposed or adjudged upon the Goods and Chattels of the offender, and cause sale to be made of the same if they shall not be redeemed within six days, rendering to the party the overplus, if any, after deducting the amount of such forfeiture or penalty, and the costs and charges attending the levying thereof, and in case sufficient distress shall not be found, and such forfeitures and penalties shall not be forthwith paid, it shall and may be lawful for the Justice as last aforesaid, and he is hereby authorized and required by warrant or warrants under his hand and seal to cause such offender or offenders to be committed to prison, there to remain for any time not exceeding six months unless such forfeitures and penalties and all reasonable charges shall be sooner paid and satisfied, and that all the said forfeitures when paid and levied shall, after deducting all necessary charges and also a compensation not exceeding one-third to be

settled and ascertained by the said Justice before whom the conviction may take place, and to be given to the Officer or other person giving information and prosecuting, to be applied and disposed of according to the directions of the Honorable the Governor in Council.

SCHEDULE A.

SCHEDULE of Articles composing a Boat load.

I GOODS taken by WEIGHT OR MEASUREMENT.

These Articles are computed at two tons to a Boat load.

ARTICLES.	Packages.	Fair Weather.	Foul weather or high surf.	REMARKS.
Benjamin	boxes	25	20	small
	bundles	60		
	chests	12	.....	half
Biscuits	bags	30		
Boat Oars	No.	100		
Boots and Shoes	cases	8	6	small
		6	4	large
Butts	No.	3	2	
Broad Cloth	bales	8	6	large
		10	8	middling
		12	10	small
Button	cases	6	4	
Beef	tierces	8		
	hogshead	6		
Carriage	No.	1		
Cotton screwed	bales	8	.....	of 300 lbs.
		10	.....	250 "
		12	.....	150 "
Ditto loose	bags	16		
Codjoor Nuts	bundles	10	8	
Cocoanuts	No.	1000	.....	with husk
		1500	.....	without ditto
	bags	25	.....	small
		20	.....	large
Chests	No.	4	3	12 dozen
Ditto half	No	8	6	6 ditto
Canvas	bales	4	3	20 bolts each
Clothing	bales	8	6	3 corges each
		10	8	2 do. do.
		12	10	1 do. do.
Cheacoy	bundles	20	15	
Chillies	ditto	20	15	
Choya Root	ditto	6	.....	large
		8	.....	small
Cochineal	boxes	12	10	
Cinnamon	bags	35	30	
Camphire	boxes	12		
Cloves	bags	40	.....	80 lb. weight each bag

SCHEDULE A.—*Continued.*

ARTICLES.	Packages.	Fair Weather.	Foul weather or high surf.	REMARKS.
Curry Stuff Seeds	bags ...	25	20	Ramiapatam bags
Dates	bags ...	35	25	When from Bombay
Ditto	tons ...	2	1½	When the packages are various
Drugs	bags ...	12	10	
Eating Leaves	bundles ...	40		
Flour	casks .	8	6	
Grain — Ramiapatam .	bags ...	20	.....	shipping
		25	.....	landing
Grain — Bengal.....	bags ...	25	.....	shipping
		30	25	landing
Glass Ware.....	chests ...	6	.....	whole
		12	.....	half
Gunny	bundles...	6	.....	large
		12	.....	small
Gun Powder	barrels ...	25	.....	100 lbs. each
		30	.....	60 do. do.
Gallingale	bundles ...	25		
Gin	cases ...	30		
Gun Carriage	No. ...	1	.....	complete with wheels from 3 to 24 pounders
Ginger Dry	bags ...	30		
Hay	bales ...	8	6	
Horns	No. ...	1000		
Hogsheads	No. ...	6	4	
Hams	No. ...	120		
Indigo	chests	8	....	whole
		12	.....	half
Leaguers	No. ...	2		
Nankeen	boxes ...	20		
Nuts	bags ...	30		
Pickle, Europe	boxes ...	30	20	
Palanquin	No. ...	1		
Piece Goods	bales	6	.....	large 3 and small 4 } bales for China
		8	....	
Pumpkins	No.	100	.....	large
		250	.....	small
Puncheons	No. ...	4	3	
Pipes	No. ...	3	2	
Ditto half	No. ...	6	4	
Pork.....	tierces ...	8		
	casks ...	8	6	
Pepper.....	bags ...	35	25	
Rafts — Artees	No. ...	12	10	large
		20	.....	small
Rafts — Bindoo Plank	No. ...	25		
Rafts — Chittagong do.	No. ...	25	20	
Rafts — Duggies	No.	1	.....	large } shipping
		2	.....	small
		8	.....	large } landing
		12	.....	small
Rafts — Mango do. ...	No.	20	.....	landing
		10	.....	shipping
Rafts — Shimbeams ...	No.	20	.....	landing
		8	.....	shipping
Rafts — Spars	No.	1	.....	large
		4	.....	small

SCHEDULE A.—*Continued.*

Articles.	Packages.	Fair Weather.	Foul weather or high surf.	Remarks.
Rattans	No.	250	.....	100 in a bundle
		500	.....	50 in do.
Reapers	No.	60	.....	10 in do.
Saddlery	cases	8	6	
Sharks' Fins	bundles	3		
Sheathing Boards	No.	100	.....	double
		150	.....	single
Soap Nut	bags	30		
Spices of all sorts	bags	10	.....	large
		20	.....	small
Stationery	cases	6	4	
Staves	packs	20		
Stick Lac	bags	30		
	bundles	40		
Sugar	casks	4		
Ditto	lumps	50	.....	large
		70	.....	small
Ditto of Batavia	canisters	6		
Ditto of Bengal	bags	20		
Ditto ditto	chests	6		
Ditto China	small packages	40		
Sugar Candy	tubs	25		
Ditto ditto	½ do.	50		
Tents	setts	6	.....	private two-poled tents
Tamarind	bags	15		
Ditto Bengal	bags	20		
Thread	bundles	7	6	
Tobacco	bags	30		

II. DEAD WEIGHT.

Computed at 1½ ton per Boat load.

Anchor	No.	1	.....	of 12 cwt. small anchors & grapnels in like proportion
Arms	chest	12	.....	12 muskets each
Black Wood	candies	6	.....	shipping
		7	.....	landing
Copper, Sheet	chests	6	4	
	cases	4	3	
	slabs	100	80	large
Guns, Iron or Brass	No.	3	.....	3 pounders
		2	.....	4 or 6 ditto
		1	.....	9 ditto
Japan	chests	10	8	
Metals of all kinds	tons	1½		
Nails	tons	1½		
Red Lead	tons	1½		
Red Wood	tons	1½		
Sandal Wood	tons	1½		
Salt	bags	25		
Saltpetre	bags	25		
Shells	No.	20	.....	13 inches
		100	.....	10 or 8 do
		250	.....	5½ do.
		300	.....	4½ do.

SCHEDULE A.—*Continued.*

ARTICLES.	Packages.	Fair weather.	Foul weather or high surf.	REMARKS.
Shot	No.	150	.....	24 pounders.
		200	.....	18 do.
		300	.....	12 do.
		400	.....	9 do
		500	.....	6 do.
Treasure	boxes	6	4	

III. MISCELLANEOUS ARTICLES.

Bullocks	No.	2		
Coals	tons	2	1½	
Cow and Calf	No.	1		
Fire Wood. Ramiapatam	500	.....	.....	large
	1000	.....	.....	small
Candarungum	600			
Checurucottah	2000			
Alumbarary	2000			
Kistnapatam	1000			
Alepanum	150			
Cuddalore	1500			
Acheedandoo	2000			
Rangoon	2000			
Ghee and Oil	dubbers	25		
Horse	No.	1		
Linseed Oil	jars	20		
Loose Oakum	whatever quantity can be stowed conveniently.			
Pecul wgts. of all kinds	peculs	30	25	
Pigs	No	15		
Ponies	No.	2		
Poultry	baskets, any quantity that can be stowed conveniently.			
Sand ballast	tons	2	1½	
Seed Cocoanut	No.	200		
Sheep	No.	30		
Tar	barrels	8	6	
Tarpaulin	No.	30		

The Number of Passengers composing a Boat load.

Europeans..... .... 12 Persons.

Natives..... 15 „

N.B.—Two Children are to be considered equal to one grown up *person.*

SCHEDULE B.

Maximum Rate of Boat and Catamaran Hire.

Accommodation Boats.		Rs.	As.	P.
Ordinary Trip South or North Road	per trip	3	8	0
Extra hire in and beyond 9 fathoms	ditto	1	8	0
Foul Weather Trip	ditto	6	0	0
Transhipment	ditto	1	0	0

Common Boats.		South Road.			North Road.		
		Rs.	As.	P.	Rs.	As.	P.
Ordinary Trip	per trip	1	8	0	0	15	0
Ballast ditto	ditto	1	10	0	1	0	0
Ballast in and beyond 9 fathoms... ...	ditto	2	10	0	2	0	0
Return Trip	ditto	0	12	6	0	8	0
Return Trip in and beyond 9 fathoms ...	ditto	1	8	0	0	15	0
Water Ordinary Trip	ditto	3	8	0	3	0	0
Water in and beyond 9 fathoms	ditto	4	3	0	3	2	6
Trip in and beyond 9 fathoms	ditto	2	12	0	2	2	0
Transhipment	ditto	0	15	0	0	15	0
Transhipment in and beyond 9 fathoms ...	ditto	1	14	3	1	14	3
Foul, in and beyond 9 fathoms	ditto	4	3	0	3	2	6

Small Catamaran.				
Ordinary Trip South or North Road	per trip	0	5	0
Foul weather, or in or beyond 9 fathoms	ditto	0	10	0
Catamaran for rafting Timber...	per day	1	0	0
Large Catamaran Hire.				
For Landing or Shipping an Europe Cable of 13 to 16 Inches		18	12	0
For ditto of 17 to 22 Inches		28	8	0
For Shipping Chain Cables	per trip	18	12	0
For ditto an Anchor from 14 to 29 Cwt.		18	12	0
For ditto an Anchor from 30 to 50 Cwt.		28	12	0
For making a Rope fast to an Anchor under 12 Cwt. ...		10	0	0
For ditto ditto above 12 and under 20 Cwt.		20	0	0
For ditto ditto above 20 Cwt.		35	0	0
Tarpaulin.				
Per Trip		0	4	0
Water Casks.				
Per Trip (4 Casks)		0	9	5

Extra Hire in addition to the Regulated Charges for Boats and Catamarans.	Accommodation Boat.			Common Boat.			Catamaran.		
South Road trips between 6 and 8 P.M. ...	1	12	0	0	12	0	0	2	6
North Road trips ditto ditto	1	12	0	0	7	6	0	2	6
South Road trips between 8 P.M. and 5 A.M.	3	8	0	1	8	0	0	5	0
North Road trips ditto ditto	3	8	0	0	15	0	0	5	0
Boats or Catamarans detained alongside for every three hours during the day or night	3	8	0	1	8	0	0	5	0
Boats or Catamarans employed between the Commissariat Granary and Parry and Co.'s Office	0	14	0	0	6	0	0	1	3
Ditto between Parry and Co.'s and the Tunnel	1	12	0	0	12	0	0	2	6
Ditto between the Tunnel and the Sea Gate	2	5	4	1	0	0	0	3	4
Ditto between the Sea Gate and the Marine Villa	4	10	8	2	0	0	0	6	8
Ditto between Marine Villa and Adyar ...	7	0	0	3	0	0	0	10	0
Ditto North of Royapooram	1	12	0	0	9	6	0	2	6
Ditto Trivatoor and Ennore	10	8	0	3	9	0	0	15	0
Beyond the limits of the Anchorage... ...	1	8	0	1	8	0	0	5	0
Boats employed on Sundays	1	8	0	0	9	0	0	2	0

N.B.—The ordinary period within which Boats and Catamarans shall be let on hire shall be between Sunrise and Sunset.

Extended by Act IX., 1846.

BOMBAY AND COLABA.—LICENCES.

ACT NO. V. OF 1842.

[*Passed on the 29th July,* 1842.

1. The Governor in Council may fix the amount of tax to be paid for Liquor License.

2. License may be recalled or withheld if the tax is not duly paid. Penalties for vending Liquors without a License.

An Act concerning payment on account of Licenses for the sale of Spirits in the Islands of Bombay and Colaba.

I. It is hereby enacted, that whenever a license to retail Spirituous Liquors in the Island of Bombay and Colaba shall be granted under the provisions of Act XVIII. of 1840, the Officers granting such Licenses shall be authorized to demand such Fee, Tax, or Duty in consideration of the privilege granted as may from time to time be fixed by such Officers under the sanction of the Governor of Bombay in Council. And such Fee, Tax, or Duty may be made payable in advance, or at such period as may be settled under such Authority as aforesaid.

II. And it is hereby enacted, that it shall be lawful for the Officers granting such Licenses to withhold or recall the same in case the Fee, Tax, or Duty aforesaid be not duly paid according to the conditions upon which any such License shall be granted. And any person vending Spirituous Liquors within the Islands aforesaid whilst such License shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending Spirituous Liquors without a License.

BOMBAY.—TERRITORIAL ANNEXATION.

ACT NO. VI. OF 1842.

[*Passed on the 5th August,* 1842.

Repeals Regulation 29, 1827, and Regulation 7, 1830, as to specified villages; and subjects other specified villages to the Acts, &c., in force in the Presidency of Bombay.

An Act for annexing to the British Territory certain villages belonging to the late Nepanee Jagheer, and acquisitions by ex-

change from the Sattara State, and for bringing under the Regulations an Inam Village of Purgunnah Yelloor.

Whereas the Villages lately composing the Nepaneer Jagheer have lapsed to Government, and it has been deemed desirable, in order to the better consolidation and management of the British and Sattara Territories to exchange certain villages for mutual convenience, and whereas the Village of Dashoor, in Purgunnah Yelloor, though held in Inam under the British Government, has not been brought under the Regulations:

It is hereby enacted, that from the time of passing this Act so much of Regulation XXIX., of 1827, and Regulation VII. of 1830, as relates to the undermentioned seven villages, viz:

Jaleehall, Purgunna Honwar.
Teengnee Beedree, Purgunna Ghota.
Hongunhullee } Purgunna Moolwad.
Karjol ..... }
Oopuldinee, Purgunna Mokumudapoor.
Allashundeh Prant Ragul.
Boblad, Purgunna Burdole.

And so much of Act VIII. of 1839 as relates to the under mentioned four villages:

Kusba Ashta, Kuryat Ashta ... . } Prant Meeruj.
and Sumdolee, and Kuryat Sanglee }
Moje Koondul ... } Turuf Valwe Brant Punnala.
and Moje Ponudee }

shall be rescinded; and that the following villages shall be subject to all Acts or Regulations which are or shall be in force within the Territories subject to the Presidency of Bombay:

Nineteen Villages of Purgunna Neergoondee.

1 Kusba Neergoondee
2 Moje Hebbal
3 Ditto Keersal
4 Ditto Abbihal
5 Ditto Yelgoor
6 Ditto Kasinkoontee
7 Ditto Boodihal
8 Ditto Musootee
9 Ditto Moodapoor
10 Moje Eettgee
11 Ditto Rajnal
12 Ditto Bidnal
13 Ditto Koorganoor
14 Ditto Aldinnee
15 Ditto Gonal
16 Ditto Katapoor
17 Ditto Dewlapoor
18 Ditto Murikuttee
19 Moje Neerulbhavee

Twelve Villages of Purgunna Chandkowte.

1 Kusba Chandkowte
2 Moje Chutterkee

3 Moje Roogee
4 Ditto Moolsawulgee
5 Ditto Aheree
6 Ditto Jumbgee
7 Ditto Daberee
8 Moje Roogee
9 Ditto Gugunhullee
10 Ditto Solapoor
11 Ditto Hunchinol
12 Ditto Kurulwar

Seven Villages of Purgunna Ooklee.

1 Moje Donoor
2 Ditto Neginhal
3 Ditto Moollal
4 Moje Kuguoor
5 Ditto Hurgullee
6 Ditto Hurginhal
7 Moje Honutgee

Seven Villages of Purgunna Nulroog.

1 Moje Kesurzuwulgee
2 Ditto Moostee
3 Ditto Sulgur
4 Moje Arlee
5 Ditto Kalegaon
6 Ditto Ebhrampoor
7 Moje Kakrumb

Five Isolated Villages.

1 Moje Pooluz, Purgunna Mohul
2 Ditto Hurulgee, Purgunna Kulboorga
3 Ditto Hottgee, Purgunna Ahirwaree
4 Moje Award, Purgunna Mundroop
5 Moje Moogulee, Purgunna Maindurgee

Twenty-four Villages of Purgunna Hortee.

1 Kusba Hortee
2 Mojee Koloorgee
3 Ditto Domnal
4 Ditto Kunchinal.
5 Ditto Muknapoor
6 Ditto Boblad
7 Ditto Hudulsung
8 Ditto Nimbal Boodrook
9 Ditto Nimbal Khoord
10 Ditto Kunnal
11 Ditto Bomunhullee
12 Ditto Agusnal
13 Moje Busnal
14 Ditto Sawulsung
15 Ditto Hulgoonkee
16 Ditto Goondwan
17 Ditto Sonkunhullee
18 Ditto Koorgee
19 Ditto Morusnal
20 Ditto Deginal
21 Ditto Goonkee
22 Ditto Turgoondee
23 Ditto Kottnal
24 Ditto Kupnimburgee

Twenty-eight Villages of Purgunna Hulsungee.

1 Kusba Hulsungee
2 Moje Yelgee
3 Ditto Turiwaree
4 Ditto Arjnal
5 Ditto Bhairungee
6 Moje Boodihal
7 Ditto Keroor
8 Ditto Chunegaon
9 Ditto Anjotgee
10 Ditto Dhoolkhur

11 Moje Purnoor
12 Ditto Bewnoor
13 Ditto Chorgee
14 Ditto Munn Ankulgee
15 Ditto Mahnhullee
16 Ditto Murgoor
17 Ditto Chouryal
18 Ditto Hingne
19 Ditto Burgoondee
20 Moje Ahersung
21 Ditto Mailor
22 Ditto Seergoor
23 Ditto Anchee
24 Ditto Nundral
25 Ditto Seernal
26 Ditto Lonee Khoord
27 Ditto Bulolee
28 Ditto Jhulkee

Twenty-four Villages of Purgunna Bagewares.

1 Moje Mootgee
2 Ditto Engleshwur
3 Ditto Salwargee
4 Ditto Heepurgee
5 Ditto Dindwar
6 Ditto Rubnal
7 Ditto Deginal
8 Ditto Tukulkee
9 Ditto Oottnal
10 Ditto Munoor
11 Ditto Hullihal
12 Ditto Kuribuntnal
13 Moje Hoonshal
14 Ditto Hoolbenchee
15 Ditto Hunchinal
16 Ditto Agusbal
17 Ditto Ewungee
18 Ditto Kamunkeree
19 Ditto Boodihal
20 Ditto Ooppuldinee
21 Ditto Nursungee
22 Ditto Nagoor
23 Ditto Ambulnoor
24 Ditto Sunknal

Thirteen Villages of Purgunna Annigeree.

1 Kusaba Annigeree
2 Moje Hullikeree
3 Ditto Saswihullee
4 Ditto Kondikopp
5 Ditto Bussapoor
6 Ditto Bhudrapoor
7 Moje Untoor
8 Ditto Saida Poor
9 Ditto Munjegood
10 Ditto Kawulwar
11 Ditto Hullihal
12 Ditto Bunnoor
13 Moje Nagnoor

Fifteen Villages of Purgunna Uthnee.

1 Kusba Uthnee
2 Moje Azor or Yemmihal
3 Ditto Siroor
4 Ditto Nagnoor
5 Ditto Jumbgee
6 Ditto Sewnoor
7 Ditto Mullabad
8 Moje Bewnoor
9 Ditto Yekunchee
10 Ditto Burchee
11 Ditto Koulgood
12 Ditto Sinal
13 Ditto Musurgooppee
14 Ditto Hunmapoor
15 Moje Kirugeree

Sixteen Villages of Purgunna Honwar.

1 Kusba Honwar
2 Moje Kukmuree

3 Moje Bijjurgee
4 Ditto Kotulg
5 Ditto Kohullee
6 Ditto Yellihudulgee
7 Ditto Bargee
8 Ditto Aigullee
9 Ditto Uluginal
10 Mjoe Babanuggur
11 Thana Telsung
12 Moje Urtal
13 Ditto Bunnoor
14 Ditto Kunnal
15 Ditto Hulhullee
16 Ditto Kunmura

Six Villages of Purgunna Gureekokutnoor.

1 Kusba Gureekokutnoor
2 Moje Suttee
3 Ditto Dodwar
4 Moje Junwar
5 Ditto Bulwar
6 Ditto Korganoor

Fifteen Villages of Purgunna Gulgullee.

1 Kusba Gulgullee
2 Moje Amuljhuree
3 Ditto Kaloor
4 Ditto Yerhullee
5 Ditto Rubkuvvee
6 Ditto Gunnee
7 Ditto Hunchinal Khoord
8 Moje Hunchinal Boodrook
9 Ditto Chowrapoor
10 Ditto Boodnee
11 Ditto Bulwalmottee
12 Ditto Boodihal
13 Ditto Goolbal
14 Ditto Bisnal
15 Moje Moondugnoor

The following Nine Isolated Villages:

1 Moje Ilipurgee, Purgunna Jumkhundee
2 Ditto Nipanee. } Kuryat Latt
3 Ditto Seergoopee, } Kuryat Latt
4 Ditto Belkor, Kuryat Kubboor.
5 Ditto Mudunbhavee, Kuryat Naysurgee
6 Seergaon, dependant on the fort of Heeree Gundhurvgurh
7 Bhiwsee, Prant Kagul
8 Moochundee, Purgunna Jutt
9 Deshoor, Purgunna Yelloor

BENGAL.—COSTS OF TRANSLATIONS.

ACT NO. VII. OF 1842.

[*Passed on the* 19*th August*, 1842.

Repeals Section 5, of Regulation 19, 1797, and Regulation 4, of 1803.

An Act for repealing certain provisions of the Bengal Code regarding translations.

Whereas the Rules regarding the rate of payment for translations of proceedings and other documents for the use of the Civil Courts, fixed by Section 5 Regulation XIX., 1797, and

Section 33, Regulation IV., 1803, of the Bengal Code, require amendment:

It is hereby enacted, that Section 5, Regulation XIX., 1797, and Section 33, Regulation IV., 1803, be repealed.

MADRAS AND BOMBAY.—NAMES.

Act No. VIII. of 1842.

[*Passed on the 2nd September*, 1842.

Extends the powers vested in S. D. A. by Acts No. 19 and 20, 1841, to the Courts of highest Jurisdiction in Presidencies of Madras and Bombay.

An Act for describing in Legislative Acts, with greater certainty and convenience, the Courts of the highest jurisdiction in the respective Presidencies.

It is hereby declared and enacted, that the powers vested in the Court of Sudder Dewanny Adawlut by Acts No. XIX., of 1841, and No. XX. of 1841, shall be applicable to the Courts of highest Civil jurisdiction in the Madras and Bombay Présidencies respectively, and that, in future Acts generally applicable to all the Presidencies, the terms "Sudder Court" shall be deemed applicable to the Courts respectively of the highest Civil and Criminal jurisdiction, as the case may be, of all the Presidencies.

Repealed by Act XVII., 1862.

LEASE AND RELEASE.—ENGLISH LAW.

Act No. IX. of 1842.

[*Passed on the 2nd September*, 1842.

1. Extends to Territories of the E. I. Co. Statue 4 and 5, Vic. 21, for rendering a release as effectual as a lease and release.
2. Recital of a lease for a year shall be conclusive evidence of it.
3. Interprets the word "Freehold."

An Act for extending the Statute Ch. XXI., 4th and 5th of Queen Victoria, in certain cases to the Territories of the East India Company.

I. It is hereby enacted, that the Statute Ch. XXI. of the 4th and 5th years of the reign of Queen Victoria, entitled "An Act

for rendering a release as effectual for the conveyance of Freehold estates as a Lease and Release by the same parties," shall be extended to the Territories of the East India Company from the 1st day of October next; provided always that this Act shall not be construed to effect any case which would not have been governed by the law of England before the passing of the aforesaid statute, if this Act had not passed, and provided, that every deed or instrument of release taking effect under this Act shall be expressed to be made in pursuance thereof; and it shall not be necessary that it be expressed to be made in pursuance of the Statute aforesaid.

An Act for rendering a Release as effectual for the conveyance of Freehold Estates as Lease and Release by the same parties.

(18th May, 1841.)

"Whereas it is expedient to lessen the expense of conveying Freehold Estates": Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, that every Deed or Instrument of Release of a Freehold Estate, or Deed or Instrument purporting or intending to be a Deed or Instrument of Release of a Freehold Estate, which shall be executed on or after the 15th day of May, 1841 (and shall be expressed to be made in pursuance of this Act), shall be as effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at Law and Equity as if the releasing party or parties who shall have executed the same had also executed in due form a Deed or Instrument of Bargain and Sale or Lease for a year for giving effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a year shall be executed; provided that every such Deed or Instrument so taking effect under this Act shall be chargeable with the same amount of Stamp Duty as any Bargain and Sale or Lease for a year would have been chargeable with (except progressive duty) if executed to give effect to such Deed or Instrument, in addition to the Stamp Duties which such Deed or Instrument shall be chargeable with as a Release or otherwise under any Act or Acts relating to Stamp Duties.

II. "And whereas many Deeds or Instruments of Bargain and Sale or Leases for a year, to give effect to Deeds or Instruments of Release of Freehold Estates heretofore executed, have been lost or mislaid": Be it enacted, that where, in or by any Deed or Instrument of Release of Freehold Estates executed before the 15th day of May, 1841, any Deed or Instrument of Bargain and Sale, or Lease for a year for giving effect to such Deed or Instrument of Release shall be recited, or by any mention thereof in such Deed or Instrument of Release appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive evidence of the Deed or Instrument of Bargain and Sale or Lease for a year so recited or mentioned having been made and executed; and such Deed or Instrument of Release shall also have the like effect as if the same had been executed after the 15th day of May, 1841, whether such Deed or Instrument of Bargain and Sale or Lease for a year shall or shall not have been lost or mislaid, or may or may not be produced; provided always, that this Act shall not prejudice or affect any proceeding at Law or in Equity pending at the time of the passing of this Act, in which the validity of any Bargain and Sale or Lease for a year shall be in question between the party claiming under such Bargain and Sale or Lease for a year and the party claiming adversely thereto, and such Bargain and Sale or Lease for a year, if the result of such proceedings shall invalidate the same, shall not be rendered valid by the Act.

III. And be it enacted, that in the construction of this Act the word "Freehold" shall have not only its usual signification, but shall extend to all Lands and Hereditaments for the conveyance of which, if this Act had not been passed, a Bargain and Sale or Lease for a year, as well as a Release, would have been used.

BENGAL—MUNICIPAL COMMITTEE.

Act No. X. of 1842.

[*Passed on the* 14*th October*, 1842.

1. At the desire of two-thirds in number of the householders of any town the Local Government may grant the privilege created by this Act.

2. The Government may authorize such inhabitants to be a Committee for purposes specified.

3. The Committee may make assessments to the extent of five per cent. on yearly value, &c., make contracts, appoint servants, &c. Committee not to be personally liable in contracts, but to be liable for misapplication of moneys, &c.

4. Local Government may prescribe rules for the proper security of the funds collected, may remove Members, and appoint to vacancies not filled up by remaining Members.

5. Committee on 30th of April to render account to Local Government of receipts and expenditure.

6. Rate may be levied under Act II., 1839, on application of Committee.

7. Rate not to be invalidated by defect of form: rate sufficient if it identifies the property; needs not specify name of owner: any property on premises to be liable to seizure.

8. Local Government may at all times dissolve Committee, and appoint persons to inquire into conduct of Committee.

An Act for enabling the inhabitants of any place of public resort or residence under the Presidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience.

Repealed by Act XXVI., 1850, s. 1.

FOREIGN SUGAR.

ACT No. XI. OF 1842.

[*Passed on the* 1*st October*, 1842.

Extends Acts No. 32, 1836, and No. 15, 1839, to Foreign Sugar, imported otherwise than as is therein mentioned.

An Act for amending and explaining the Law concerning the importation of Foreign Sugar.

Repealed by Act XIX., 1854.

MADRAS.—MILITARY BAZAARS.

ACT No. XII. OF 1842.

[*Passed on the* 28*th October*, 1842.

1. Persons residing within the limits of any Military Cantonment, &c., not to recover in a Military Court of Request unless registered as a Military Bazaarman.

2. Extends Acts XI. and XXVIII., 1841, to all persons serving with the army receiving public pay, menial servants, and other camp followers.

An Act for the better regulation of Military Bazars, and defining the liabilities of Camp followers.

I. It is hereby enacted, that no person residing within the limits of any Military cantonment, and carrying on trade therein, or who shall have been a trader at any Military cantonment, shall be allowed to recover, in any Military Court of Requests for the Native Troops of the East India Company, held within any such Cantonment, any debt contracted in the way of trade, or for the loan of money within any such Cantonment, by any person subject to the jurisdiction of such Court, unless the person seeking to recover the debt shall, at any time of contracting thereof, have been registered as a Military Bazaarman within any such Cantonment.

II. And it is hereby declared, that all persons serving with any part of the army, and receiving public pay in any capacity, menial servants, and other camp followers of every description, shall be subject to the provisions of Acts No. XI. of 1841, and No. XXVIII. of 1841, in the like manner as enlisted soldiers.

Extended by Act XIV., 1855, to suits before Superintendents of Police in Madras.

BOMBAY.—REVENUE HOLDERS.

Act No. XIII. of 1842.

[*Passed on the* 28*th October*, 1842.

1 and 2. The Governor in Council may grant to any Jageerdar, &c., and other holder of lands, the Revenue of which has been alienated to him by the State, a Commission, in the form given in Schedule A., authorising him to collect such Revenue, which (2) shall be liable to be withdrawn at pleasure.

3, 4 and 5. The holder of Commission may demand security for payment of the Revenue, and may take same precautions as the Collector under Section 11, Regulation 17, 1827, and (4) may send Mohussuls on Land, &c., and (5) may attach the property of defaulters, &c.

6. All compulsory process shall cease on defaulter's giving security to institute a suit to try the demand, &c. Holder of Commission proceeding with compulsory process, after security has been given, shall forfeit treble the Revenue sought to be recovered.

7. The enforcement of any demand against Jageerdar for Revenue exceeding the amount due in specified manner, shall be deemed extortion, &c. This Act

not to prevent the holder of alienated Lands, &c., from instituting a suit for the re-assessment of the Revenue.

8. Powers given by this Act to extend to the enforcement of payment of the Revenue of the current season and next preceding season only.

An Act to enable the holders of Revenue, which has been alienated to them by the State, to collect that Revenue within the Presidency of Bombay.

Whereas it is expedient to authorize the grant by the Governor in Council of Bombay, at his discretion, of Commissions to certain Jageerdars, and others, by virtue of which such persons shall possess increased powers for collecting the Revenue due to them:

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, to grant to any Jageerdar, Serinjamdar, Inamdar, or other person holding Lands or Villages, the Revenue of which has been alienated to him by the State, a Commission conferring upon him authority for the collection of such Revenue by the powers hereinafter mentioned, or such of them as shall be specified in the Commission, in addition to the powers now exercisable by law.

II. And it is hereby enacted, that such Commission, which shall be drawn out according to the form of the annexed Schedule A., shall be granted or withheld, and, when granted, shall be liable to be withdrawn at the pleasure of Government, and that it may, if the Governor in Council of Bombay see fit, be issued to one or more Agents of such holder of alienated Revenue, as well as to the holder in person.

III. And it is hereby enacted, that the holder of such Commission shall have authority to demand security for the payment of the Revenue, in respect of the Lands or Villages specified in the Commission, and if the same be not furnished, to take such precaution as the Collector is authorized to take under Section XI., Regulation XVII. of 1827, Bombay Code.

IV. And it is hereby enacted, that the holder of such Commission shall have authority to send Mohussuls on Defaulters under provisions of Clauses 2, 3, and 5, Section XII., Regulation XVII. of 1827, Bombay Code, provided that one foot Mohussul only be employed in each case, and that the Mohussullee shall cease on the enforcement of any other remedy for the

collection of the Revenue, except the taking of such security as aforesaid.

V. And it is hereby enacted, that the holder of any such Commission shall be authorized to attach the property of persons making default in the payment of such Revenue as aforesaid, making an immediate report to the Collector or his Assistant of his having done so, and should the demand on account of which the attachment may be made, appear to the Collector or his Assistant to be just, he shall give orders for the sale of such property, and the sale shall be conducted agreeably to the Provisions of Clause 7, Section XII., Regulation XVII. of 1827, Bombay Code, except in cases in which the holder of the commission by whom the attachment has been made shall be a Jageerdar, Surinjamdar, or Inamdar, vested by Regulation XIII. of 1830, with Civil jurisdiction, and with power to execute his own decrees, or his Agents, when the sale, shall be conducted by him, and not by the Collector and his subordinate Revenue Officers.

VI. And it is hereby enacted, that all compulsory process under this Act shall cease, on the alleged defaulter furnishing security to the holder of the Commission or to the Collector or Assistant Collector of the District, to institute a suit within 15 days, in a competent Court, for the purpose of trying the demand, and to pay the amount which may be decreed against him, with costs and interest in such Court, provided that such suits in which any one of the privileged classes established by Regulation XXIX. of 1827, Sections 3 and 4, and by Regulation VII. of 1830, Bombay Code, may be the defendant, shall be tried before the Collector and his Assistants, anything in Regulations I. and XVI. of 1831 notwithstanding. And any holder of any such Commission as aforesaid, by himself or his Agents proceeding with any compulsory process under this Act, after the furnishing of such security as aforesaid, or after the due tender thereof, shall forfeit three times the amount of the Revenue sought to be recovered by such compulsory process.

VII. And it is hereby enacted, that if the Revenue or rent-payable to a Jageerdar to other holder of Government alienated Lands or villages shall have been fixed by a Government Officer before the grant of the Land in free tenure, or if the rent or Revenue tendered by any Ryot or other person be at the usual rate payable

according to the custom of the Village and Pergunnah, as declared by the Koolkurnee, and other Local Officers of Revenue, the enforcement of demand by any holder of a Commission under this Act, of an excess of rent or Revenue beyond the amount due as above provided, shall be deemed to be extortion, and the person against whom such demand shall have been enforced shall obtain, upon any judgment being passed after regular summary trial, three times the amount of any such excessive demand as damages for the same. Provided, however, that nothing herein prescribed or contained shall prevent a holder of alienated Lands or Villages from instituting a suit, in any Court of competent jurisdiction, for the purpose of establishing his claim to re-assess the Lands or re-settle the Revenue of any Ryot, or other who may be paying less than the full jumma to which he is justly liable, and upon such holder obtaining a decree adjudging to him such power, the demand made by him under such decree, shall, if conformable thereto, be deemed a legal demand for arrears, and shall be leviable by the same process as is above provided for other arrears due.

VIII. And it is hereby enacted, that the power conferred by such Commission shall extend to the enforcement of the payment of the Revenue of the current season and of the season next immediately preceding, and not to that of former years.

SCHEDULE A.

Form of Commission to be issued to a holder of alienated Revenue or his Agent, for enabling him to recover such Revenue.

Seal.

The Governor in Council of Bombay, by virtue of the powers vested in him by Act No. XIII. of 1842, is pleased to confer on your (Jageerdar, &c., or Agent, &c., as the case may be) power to realize all Revenue demands due to you (or to your principal) from the Villages and Lands specified in this Commission, in the manner prescribed in (or in Section———of) this Act.

The Villages and Lands over which the power thus conferred upon you extend are as follows:

(Here enter the description.)

The within delegated power is vested in you during the pleasure and subject to the recall of the said Governor in Council.

Signed———

BOMBAY AND COLABA.—NUISANCES.

Act No. XIV. of 1842.

[*Passed on the 25th November*, 1842.

1. Prohibits the throwing or depositing, &c., any offensive matter, &c., on any open ground contiguous to public thoroughfare.

2. Owner of open ground contiguous to public thoroughfare shall enclose the same, when ordered by Petty Sessions, or, in default, Petty Sessions may do it, at the expense of Municipal Fund, and defaulter liable to penalty, not exeeeding twice the amount expended.

3. The Petty Sessions may order proper drains, &c., for the conveyance of wastage, &c., from houses, &c., to be made by owners of such houses, or, in default, Petty Sessions may make them at expense of Municipal Fund, but owner to be liable to penalty, not exceeding twice the amount expended.

4. Owner of house having privy upon the premises, shall have such privy shut out of view by fence, &c.

5. Every privy, sink, drain, &c., shall be kept clean by owner of house, &c.

6. No person shall throw or deposit filth, &c., on the roof of any building, or suspend therefrom any article so as to project, &c., nor bathe himself, nor wash any animal, &c., in any of the public tanks, &c. Governor in Council may by proclamation declare what are public tanks, &c., and which may be used to wash linen.

7. Petty Sessions may require any person keeping a public brothel, &c., in any of the more public roads, to shut off the same, &c.

8. No persons to keep a Coffee Shop, &c., other than a licensed Tavern, without licence from Petty Sessions.

9. Offences against this Act shall be summarily enquired into and decided by Petty Sessions. Offences for which no penalty is specified, shall be punished by fine, not exceeding 200 Rupees.

10. Fines under this Act to be paid to the use of Municipal Fund.

An Act for giving greater facility in the abatement and prosecution of the Nuisances in and throughout the Towns and Islands of Bombay and Colaba.

Repealed by Act XIV., 1856.

EMIGRATION.—MAURITIUS.

Act No. XV. of 1842.

[*Passed on the 2nd December*, 1842.

1. Recites the order of Her Majesty in Council prescribing Rules to be

observed at Mauritius. Schedule of Rules. (1.) The Governor of Mauritius may nominate Emigration Agents at any places, &c., in India and a Protector of Emigrants of Mauritius. (2.) Agents not to be paid in proportion to number of Emigrants, but by salary. (3.) Duties to be performed by Emigration Agent towards Emigrants. (4.) No more than one person for every two Tons of the Registered burthen to be shipped in any ship, &c. (5.) Two children under ten years of age to be computed as equal to one person only. (6.) What provisions shall be shipped on board of Emigrant vessels. (8.) The Agent for Emigrants shall survey, &c., the provisions, &c., before the Ship is cleared out, &c., and ascertain that the Ship is reputed seaworthy, &c. (9.) The Master of Ship bringing Emigrants to Mauritius shall provide a sufficient quantity of good provisions, &c. (10.) Two copies of these Regulations to be delivered to the Master by the Emigrant Agent, &c. (11.) The Master of Emigrant Ship shall deliver to the Emigrant Agent, at place of destination, a list, specifying name, &c., of all the Emigrants on board, &c., and a counterpart to the Protector of Emigrants. Protector to proceed on board, &c., and ascertain whether these directions have been complied with. Protector of Emigrants to muster the Emigrants, &c., and note deaths, &c. (12.) Protector, if satisfied that Regulations have been complied with, to grant a Certificate. (13.) No money to be paid by Colonial treasures in respect of Emigrants, except on warrant of Governor and Certificate. (14.) Protector of Emigrants to keep a Register of persons in respect of whom such Certificate is granted, &c. (15.) A penalty of Five Pounds per head payable for every Passenger to Mauritius exceeding the allowed proportion, and the like penalty for infraction of specified Regulations. (16.) Saves the Emigrant's or other person's right of action for breach of contract. (17.) Regulation not to extend to ships in service of the Admiralty nor to Her Majesty's Ships of War. (18.) Emigrant not to enter into any contract of service in Mauritius until he has been 48 hours on shore. (19.) Emigrant not to be liable in Mauritius to any action for debt contracted before his arrival. (20.) Emigrant to be capable of making contract for service only according to the Law in force as to other labourers. (21.) No payment to be made from the Treasury of the Island, unless on proof that the laws in force in India for the protection of Emigrants have been complied with. (22.) Interpretation Clause.

Repeals Act 14, 1839, as to Emigration from Calcutta, Madras and Bombay.

2. Emigrant labourers, Native inhabitants of Territories of East India Company, shall be allowed to Emigrate to Mauritius from Calcutta, Madras and Bombay only under provisions of this Act.

3. The Government of each of those ports shall appoint an Emigration agent, who shall make monthly reports to Government.

4. It shall not be lawful to convey Emigrants to Mauritius without a License. Master of Emigrant ship to be bound in 10,000 Rupees to conform to this Act, &c. Conveying Emigrants without a license shall be a misdemeanor, &c.

5. No Emigrant to be received on board unless he has a Certificate, &c.

6. Before any Emigrant Ship is cleared out the Master must obtain from the Emigration Agent a Certificate to the effect specified.

7. Probable lengths of Voyage to Mauritius to be calculated at the specified times of the year as specified.

8. Master of Emigrant Ship shall deliver to Emigration Agent such list as is specified in Regulation 11 of Her Majesty in Council.

9 and 10. Master clearing out without complying with provisions of this Act shall be liable to penalty of 200 Rupees, and (10) to penalty of 500 Rupees, for offences specified in this Section.

11. If Certificate obtained by Master shall become inapplicable by any act fraudulently done, &c., by him, he shall be liable to penalty of 5,000 Rupees, besides incurring a forfeiture of his Bond.

12. Officers of Customs and Pilots may, for prevention of the illegal embarkation of Emigrants, exercise the same powers as for prevention of smuggling.

13. Persons attempting, by means of intoxication, &c., to export any Native contrary to this Act, shall be liable to a fine not exceeding 5,000 Rupees, or imprisonment not exceeding six months.

14. The Customs Officer on board an Emigrant Ship shall countersign the Pass, &c., of every Emigrant, and keep a Register of Emigrants on board, &c., and perform other specified duties, and be liable to a fine of 500 Rupees, computable to six months imprisonment, if he wilfully makes a false, &c., report of the Emigrants on board of any ship.

15. Any person forging any document, &c., required by this Act, may be imprisoned not exceeding seven years.

16. Penalties under this Act may be enforced against Masters of Ships before any Justices of Peace at the instance of Emigration Agent, &c.

An Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to the Island of Mauritius.

I. Whereas it hath been ordered by the Queen's most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, as follows:

At the Court at Windsor,
The 15th of January, 1842.

Present,

The Queen's Most Excellent Majesty.
His Royal Highness Prince Albert.

Lord President.	Lord Stanley.
Lord Privy Seal.	Lord Fitzgerald and Vesci.
Lord Steward.	Sir Robert Peel, Bt.
Lord Chamberlain.	Mr. Chancellor of the Exchequer.
Earl of Jersey.	Sir James Graham, Bt.
Earl of Ripon.	Sir Edward Katchbull, Bt.

Whereas it is probable that the laws now in force in British India for preventing the emigration of the inhabitants thereof to Her Majesty's Colonial Possessions will be shortly repealed, so far as regards emigration to the Island of Mauritius, and that such last mentioned emigration will be sanctioned by Laws to be for that purpose enacted in India, subject to various provisions to be in such Laws made for the protection of such Emigrants, and for the prevention of abuses: And whereas it is probable that amongst the provisions so to be made, as last aforesaid, will be a provision for enabling the Governor General of India to appoint at Ports or places in India, Officers charged with the care, protection, and superintendence of all persons proposing to emigrate as Labourers from India to Mauritius. And whereas it is probable that provision will be made by Law at Mauritius for defraying from the Public Revenue of that Island the expense of introducing emigration thither from British India: And whereas it is necessary that effectual provision should be made by Law at Mauritius for regulating any such expenditure, and for the prevention of abuses in the introduction of Emigrants from British India into that Island: It is therefore hereby ordered, by the Queen's Most Excellent Majesty by and with advice of Her Majesty's Privy Council, that in the event of any Law being made in British India, authorizing the emigration to Mauritius of the Natives of India, and repealing the restrictions now in force there in regard to such emigrations, and in the event of any such Laws containing provisions enabling the Governor General of India to appoint at the several ports of embarkation in India, Officers charged with the protection of persons emigrating from such ports to Mauritius, the various Rules and Regulations comprised, and set forth in the Schedule to this present order subjoined, shall, within the Island of Mauritius, have the force and effect of Law, and shall be observed and carried into effect by all Her Majesty's Officers, Civil and Military, in Mauritius, and by all Her Majesty's subjects within the same Island as to them may respectively appertain.

And the Right Honorable Lord Stanley, one of Her Majesty's Principal Secretaries of State, is to give the necessary instructions herein accordingly.

(Signed) C. GREVILLE.

The Schedule referred to in the preceding order, comprising the

Rules and Regulation to be observed at Mauritius in regard to Emigrants from British India, resorting to and arriving at that Island—

1st. The Governor of Mauritius may from time to time nominate such persons as he shall see fit to act as Emigration Agents at any port or place in India, which the Governor General of India may designate as a port or place for the embarkation of Emigrants to Mauritius, and may also from time to time nominate a proper person to act as Protector of Emigrants at Mauritius.

2nd. The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent to Mauritius by him, but shall be in the nature of an annual salary.

3rd. Every such Emigration Agent shall ascertain by personal communication with every Emigrant previously to his or her embarkation from the port or place for which such Agent shall be appointed, that such Emigrant has not been induced to emigrate by any fraud, false nor unreasonable expectation, and is aware of the distance of Mauritius from the place where he or she is about to emigrate; and such Agent shall explain the real advantages likely to be derived by such Emigrants from a removal to Mauritius, and at the same time cautioning such Emigrant against unreasonable aud unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4th. It shall not be lawful to Ship on board of any Ship or Vessel carrying Emigrants from India to Mauritius, any number of Passengers exceeding the proportion of one person for every two Tons of the Registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants, and having more than one Deck, shall have less than the height of six feet at least between Decks, and in case such Ship or Vessel shall have only one Deck, a Platform shall be laid beneath such Deck, and in such manner as to afford a space of the height of six feet at the least and that such Platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths, and no such Ship or Vessel shall carry Passengers on any such Voyage to Mauri-

tius unless there shall be an interval of six inches at least between the Deck Platform, and the floor of the lower tier throughout the whole extent thereof; and whatever may be the Tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower Deck or Platform, unoccupied by goods or stores, not being the personal luggage of such person.

5th. In the computation of the number of Passengers within the meaning of these Regulations, two children under the age of ten years, shall be considered as equal to and shall be reckoned as one person only.

6th. There shall be actually laden and on board of every Ship or Vessel bringing Emigrants into Mauritius at the time of departure of such Ship or Vessel from the port or place at which such Labourers shall be embarked good and wholesome Provisions for the use and consumption of the said Passengers over and above the victualling of the crew, to the amount or in the proportion following that is to say: a supply of water to the amount of five gallons to every week of the computed Voyage for every passenger on board such Ship or Vessel, such water being carried in Tanks or Sweet Casks, and a supply of Rice, Bread, Biscuit, Flour, Oatmeal, or Bread Stuffs, to the amount of seven pounds weight to every week of the computed Voyage for every such Passenger: Provided always that when any such Ship or vessel shall be destined to call at a port or place in the course of her Voyage for the purpose of filling up her water Casks, a supply of water at the rate before mentioned for every week of an average Voyage to such port or place of calling shall be deemed to be a compliance with this Regulation. And provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case where it shall be made to appear, that, by the special authority of the Governor General of India, any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7th. The number of weeks which shall be deemed necessary for the Voyage to Mauritius from any port or ports in India, shall be such as shall from time to time be determined by any Law or Ordinance to be promulgated for that purpose by the Governor

General of India in Council, and according to any such Law or Ordinance shall and may be further determined whether at different periods of the year different estimations are to be made of the probable length of any such Voyage, and if by any such Law or Ordinance the removal of Emigrants should during any particular period of the year be prohibited altogether, then any such removal during such prohibited period shall in Mauritius be regarded, dealt with and punished as an infringement of these present Regulations.

8th. Before any such Ship or Vessel shall be cleared out, on any such voyage, the Agent appointed under this Ordinance for the port or place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the Crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed seaworthy, and that the directions hereinbefore contained for insuring the health and safety of the Passengers have been complied with and shall grant a Certificate thereof under his hand to the Master of such Ship or Vessel.

9th. The Master of every Ship or Vessel bringing Emigrants to Mauritius shall be bound to provide for and furnish to every such Emigrant and his wife and children a sufficient quantity of good and wholesome provisions, for his, her and their daily maintenance during such voyage, and during the space of 48 hours next after the arrival of such Ship or Vessel in Mauritius.

10th. Two Copies of these Regulations, authenticated by the signature of the Agent at the port or place from which such Emigrants shall come, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesaid, and one of such copies shall upon request made at reasonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

11th. The Master of every Ship or Vessel carrying Emigrants from India to Mauritius, shall, before clearing out such Ship or

Vessel, deliver to such Agent at the port or place from which such Vessel shall be cleared out, a list in writing, together with a duplicate of the same specifying as accurately as may be the names, ages and occupations of all and every the Emigrants on board such Ship or Vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at Mauritius, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the Protector of Emigrants hereinbefore mentioned. And such Protector of Emigrants shall forthwith proceed on board of such Ship or Vessel and shall ascertain as far as possible by personal inspection of the Ship or Vessel and Passengers whether the directions hereinbefore contained with regard to the situation of the berth of such Ship or Vessel, the proportion of the Passengers to the burthens and measurements of such Ship or Vessel, and the maintenance of the Emigrants during such passage, have been complied with; and such Protector of Emigrants shall personally muster such Emigrants, and compare the number and names of such Emigrants with the said counterpart of such lists, and shall certify in writing under his hand upon such counterpart the total number of Emigrants, then living and being on board of such Vessel, and in case any such Emigrant shall have died during the passage, or the number of names of the Emigrants shall differ from the number of names stated in such counterpart, the Protector of Emigrants shall note such death or difference upon such counterpart, and thereupon shall grant a license under his hand for the disembarkation and landing of such Emigrants.

12th. If the Protector of Emigrants, on such personal inspection of the Ship or Vessel and Emigrants, shall be satisfied that the preceding Regulations have been complied with, he shall grant a Certificate under his hand of the arrival in Mauritius of such Emigrants respectively and the place from which and the ship or Vessel in which such Emigrants shall have arrived.

13th. No money shall be payable by the Colonial Treasurer of Mauritius in respect of any such Emigrants as aforesaid, except on the Warrant of the Governor of that Island, which Warrant

shall not be issued except on such Certificate as aforesaid of the said Protector of Emigrants.

14th. The Protector of Emigrants shall keep a Register of all persons in respect of whom any such Certificate as aforesaid, shall be granted, and of the Ship or Vessel in which the port from which, and the time at which such person shall have arrived in this Colony, a copy of which Registry shall be laid before the Council of Government on the 31st day of March, the 30th of June, the 30th day of September, and the 31st of December in each year.

15th. If any Ship or Vessel bringing Emigrants from India to Mauritius shall carry any number of Passengers exceeding the proportion authorized and allowed by these Regulations, a Penalty of Five Pounds per head shall be payable in respect of each Passenger so carried in excess of such proportion, or if such Ship or Vessel shall not be of the height between Decks hereinbefore required, or if such a Platform as hereinbefore directed shall not be laid and continued throughout the whole duration of any such voyage in such manner as is hereinbefore required: or if there shall be more than two tiers of berths, or if there shall not be throughout the whole duration of any such voyage such an interval as is hereinbefore prescribed, between the Deck and the floor of the lower tier of berths, or if any such Ship or Vessel shall clear out, and put to sea not having on board such water and provisions as aforesaid, for the use and consumption of the Passengers, of the kind and to the amount and in the proportion hereinbefore directed; or if any such Ship or Vessel shall be cleared out before such lists of Emigrants shall have been delivered in manner and form aforesaid, or if any such lists shall be wilfully false, or if the copy of these Regulations be not produced as hereinbefore required, or if any Emigrant shall not be maintained during such voyage, and for 48 hours after his arrival, the Master of any such Ship or Vessel shall, for and in respect of each and every such offence, be liable on summary conviction before any Stipendiary Magistrate, at any time within the space of 12 calendar months next after the arrival of such Master within the Colony of Mauritius, to the payment of a fine not less than £5, nor more than £20 British Sterling, and in default of payment of the fine above mentioned either immediately or at

the time fixed by such Stipendiary Magistrate at the time of making such conviction, to imprisonment for any time not less than one or more than three calendar months.

16th. Provided nevertheless that nothing herein contained shall take away or abridge any right of suit or action which may accrue to any Emigrant in any such ship or vessel, or to any other person in respect of the breach or non-performance of any contract made or entered into between, or on the behalf of any such Emigrant or other person, and the Master, Owner or Owners of any such ship or vessel.

17th. Provided always that nothing in these Regulations contained shall apply to any ship or vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's ships of war.

18th. No Emigrant arriving from India at Mauritius shall be capable of entering into any contract of service to be performed in that Island, until he shall have been at least 48 hours on shore there, and every such contract of service made before that time shall be null and void to all intents and purposes.

19th. No Emigrant arriving from India at Mauritius and engaging to labour in that Island shall within Mauritius be liable to any action, suit or demand, for or in respect of any debt contracted, or any contract made by such Emigrant before his arrival in the said Island.

20th. No Emigrant arriving from India at Mauritius, shall in Mauritius be capable of entering into any contract for service except for the period in the manner and under the superintendence which by a Law in force there is required in the case of contracts for service made by other Labourers in Agriculture or Manufactures within the said Island.

21st. No payment shall be made from the Treasury of the said Island in respect of any Emigrants introduced there from India, unless on proof, to the satisfaction of the Governor of Mauritius, that all Rules and Regulations which may be established by Law in India, for the advantage and protection of such Emigrants have been duly complied with, such Rules and Regulations not being repugnant to any thing in these Regulations contained.

22nd. In every case in which the Penalties hereby denounced against offences are imposed by the use of the words in the mascu-

line gender or in the singular person, such words shall be understood as extending to the feminine gender also, and to any number of persons unless when the opposite construction is required in order to meet the object and to accomplish the ends with a view to which these Regulations are established and made.

(Signed) C. GREVILLE.

Repealed by Act XIII., 1864. But this Recital is retained as being the basis of legislation on the subject. Act XIII., 1864, is a consolidation of all previous Acts for separate Colonies.

BENGAL.—LEASES BY ZEMIDARS.

ACT NO. XVI. OF 1842.

[*Passed on the* 16*th December*, 1842.

Modifies Sections 2 and 3, Regulation 14, 1812.

Leases granted by Zemindars, &c., for a longer term than their own engagements with Government to be null and void only for the excess.

An Act concerning the terms of Leases granted by Zemindars and Proprietors.

It is hereby enacted, in modification of Sections II. and III., Regulation XIV. of 1812, of the Bengal Code, that Zemindars or other Proprietors of land may grant leases, or fix the rent of any land tenure, for any period not exceeding the terms of their own respective engagements with Government. Provided always, that in case any lease shall be granted, or the rent of the land be fixed for any longer period, the lease or engagement fixing the rent shall be null and void only for the excess beyond such terms respectively.

BOMBAY.—REVENUE COMMISSIONERS.

ACT NO. XVII. OF 1842.

[*Passed on the* 16*th December*, 1842.

1 Repeals part 8, Regulation 5, of 1830.

2. One or more Revenue Commissioners to be appointed for the whole of Bombay.

3. Each Revenue Commissioner may have as many Deputies, &c., as the Governor in Council may deem expedient.

An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.

I. It is hereby enacted, that so much of Regulation V. of 1830, of the Bombay Code, as provides that one Revenue Commissioner shall be appointed for the Territory subordinate to Bombay, and that the Southern Maharatta Country shall be excluded from his jurisdiction is repealed.

II. And it is hereby enacted, that one or more Revenue Commissioners shall be appointed for the whole of the Territory Composing the Presidency of Bombay, each of whom shall be vested with all the powers possessed by the single Revenue Commissioner, under Regulation V. of 1830, and shall be empowered to act within the Presidency of Bombay, or over such portion as the Governor in Council of Bombay may, from time to time, prescribe by an Order published in the Gazette.

III. And it is hereby enacted, that each Revenue Commissioner shall have such number of Deputies and Assistants, as the Governor in Council may deem it expedient to appoint.

BOMBAY.—REVENUE COMMISSIONERS' POWERS.

Act No. XVIII. of 1842.

[*Passed on the* 23*rd December*, 1842.

1 Revenue Commissioner or Assistant may exercise the same powers as the Collector and Magistrate touching the Revenue except passing sentence of punishment.

2. Revenue Commissioner or Assistant, or Collector or Assistant, or Sub-Collector, may delegate to a Native the above powers, provided they are such as might be exercised by a District Police Officer. Proceedings of Delegates to be sent to superior.

3 Magistrate not to be prevented from acting, where charge is dismissed, or the above powers have not been exercised.

An Act for facilitating preliminary investigations of criminal cases connected with the collection of the Revenue within the Presidency of Bombay.

I. It is hereby enacted, that it shall be competent for the Revenue Commissioner or his Assistant within the Presidency of

Bombay to exercise the same powers as the Collector and Magistrate of any Zillah under that Presidency in all matters touching the collection and management of the Revenue, and the conduct of Revenue Officers in their Official capacities, except that they shall not pass any sentence of punishment; but when the preliminary inquiries are concluded, shall, if the charge be not dismissed, forward the accused to the Magistrate for trial or for committal according to the nature of the case.

II. And it is hereby enacted, that a Revenue Commissioner or his Assistant, or a Collector of Land Revenue or his Assistant, or a Sub-Collector, may, by writing order, delegate in any case, to any Native Servant regularly employed on their respective Establishments, not being of an inferior grade to a Karcoon, any of the above powers of preliminary investigation, provided they be the same as are exercised by District Officers of Police under the regulations. And the proceedings under this Act of all such servants shall be sent to the delegating authority for revision, and after such revision, if the charge be not dismissed, the case shall be forwarded to the Magistrate as aforesaid.

III. And it is hereby provided, that nothing in this Act contained shall prevent any Magistrate from making preliminary inquiries and proceeding under the Regulations in all the cases aforesaid, both where the charge has not been investigated under the aforesaid powers, and where it may have been dismissed.

Repealed by Act XVII., 1862, as to parts where Code of Criminal Procedure is in operation.

REGISTRATION OF WRITTEN CONVEYANCES.

Act No. I. of 1843.

[*Passed on the 27th of January*, 1843.

Repeals all provisions in any Regulation touching knowledge or notice of unregistered conveyances, &c. Enacts, that unregistered titles shall be void as against any person claiming under subsequent registered title, notwithstanding notice of prior unregistered title. Act not to extend to conveyances made before 1st May, 1843.

An Act for amending the law concerning the Registration of written conveyances and other instruments affecting Titles and other interests to Land.

Whereas the Registry Laws now in force in the respective Mofussils of Bengal, Madras, and Bombay, provide that registered conveyances and other instruments affecting Titles to land and other interests therein shall not take precedence of unregistered conveyances and instruments in cases where the party registering shall have known of the existence of such unregistered conveyances or other instruments: And whereas a complicated system of Law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such cases: And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the Courts has been occupied with such investigations: And whereas in consequence of forgeries, perjuries, fraudulent concealments, and other practices, no person purchasing or advancing money on the Security of Land, can safely rely on the conveyances or other instruments affecting the title to such land or other interest therein affording by means of their being registered, a security against conveyances or instruments being set up, as of previous date, by unregistered claimants:

It is hereby enacted, that all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay Codes, touching such knowledge or notice as aforesaid, of previous unregistered conveyances, or instruments affecting titles to land or other interests therein, shall be repealed from the First day of May next; and every conveyance or other instrument affecting title to land, or any interest in the same, authorised by those Codes respectively, to be registered, shall so far as regards any lands to which the same relate, be void as against any person claiming under any subsequent conveyance or other instrument duly registered, unless the prior conveyance or instrument shall have been duly registered before the registration of the subsequent conveyance or instrument; any alleged notice or knowledge of such prior conveyance or instrument notwithstanding. Provided always that this Act shall not be construed to extend to any conveyance or other instrument made before the First day May next.

Repealed by Act XVI., 1864, but retained here as affecting Titles while it was in force.

BENGAL.—APPEALS TO SUDDER DEWANNY, ADAWLUT.

ACT No. II. OF 1843.

[*Passed on the* 1*st February*, 1843.

1. If single Judge of Sudder Dewanny Adawlut, trying an appeal regular or special is of opinion that the decision appealed against ought to be altered or reversed, he shall call in two other Judges to sit with him, and the three shall decide the case, and if they agree sign, or the opinion of him who differs shall be recited in the decree.

2. Act not to apply to Summary Appeals, nor appeals in miscellaneous cases nor to powers of a single Judge under Clause 2, Section 2, Regulation 9, 1831.

An Act to regulate the sittings of the Court of Sudder Dewanny Adawlut.

Repealed by Act X., 1861, as far as applicable to suits or proceedings under Act VIII., 1859.

SUDDER DEWANNY COURTS.—SPECIAL APPEALS.

ACT No. III. OF 1843.

[*Passed on the* 1*st February*, 1843.

1. Special Appeals shall lie to the Sudder Dewanny Adawlut at Calcutta and Allahabad, the Sudder Adawlut at Madras, and Sudder Dewanny Adawlut at Bombay, from all decisions passed in regular appeals in Civil Courts subordinate to them.

2, 3, and 4. Applications for Special Appeals must be presented in same time as for regular appeals: and (3) be accompanied by copies of the decrees previously passed, and (4) be heard by single judge, who may call for any document of record, &c.

5. If Judge deems a Special Appeal admissible, he shall order accordingly and reduce, in the form of a Certificate, the points to be determined to writing in English, which shall be translated into the vernacular language used by the Court, and the appeal shall be brought on in due course.

6. Judge's order rejecting a Petition for Special Appeal shall be final.

7. Upon Special Appeal the Sudder Dewanny Adawlut shall determine the points certified, and no other part of the case.

8. If special ground of appeal has been incorrectly certified, the Court may amend the Certificate, but such amendment shall relate only to points originally certified, &c.

9. Saves existing Laws as to Special Appeals, so far as they are not inconsistent with this Act.

10. Act not to affect pending appeals, &c.

An Act for amending the Rules of Special Appeals.

Repealed by Act XVI., 1853.

APPEALS FROM CONVICTIONS.

ACT No. IV. OF 1843.

[*Passed on the 24th March*, 1843.

1. An appeal shall lie from all sentences by any Justice of the Peace and Magistrate without the local limits of Supreme Courts, &c. After Appeal there shall be no writ of Certiorari.

2. This Act not to take away the Writ of Certiorari where there has been no Appeal.

An Act for amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53, Geo. III., Ch. 155.

Whereas, in many cases provided by Law, offences may be prosecuted before Magistrates not acting within local limits of the jurisdiction of Her Majesty's Supreme Courts, and which such Magistrates may take cognizance of either in their Magisterial capacity under the Regulation, or as Justices of the Peace: And whereas the Appeal from convictions before Magistrates acting in their Magisterial capacities, and from the like convictions before Justices of the Peace, are subject to different rules: And whereas in all cases of convictions before Justices of the Peace in the Mofussil and before Magistrates exercising jurisdiction under the Provisions of Statute 53, Geo. III., Ch. 155, in cases of assaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to Appeals requires amendments:

I. It is hereby enacted, that an Appeal shall lie from all sentences passed by any Justice of the Peace acting without the local limits of any of Her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any Magistrate upon convictions had before him exercising such jurisdiction as aforesaid to the same authority and subject to the same rules as are provided by the Regulations and Acts of the Government in the case of sentences passed by Magistrates in the

exercise of their ordinary jurisdiction. And cases so made the subject of Appeal shall not be afterwards liable to revision by means of a Writ of Certiorari.

III. And it is hereby provided, that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a Writ of Certiorari in any other case than where there has been such Appeal as aforesaid.

Extended by Act VII., 1853, entitled An Act to extend the jurisdiction of Magistrates under the 53 G 3, c. 155, s. 105, in cases of assaults, forcible entries, and other injuries accompanied with force not being felonies.

Repealed by Act XVII., 1862.

ABOLITION OF SLAVERY.

Act No. V. of 1843.

[*Passed on the 7th April,* 1843.

1. No public Officer in the execution of any decree, &c , shall sell, &c., any person or the right to his compulsory labour, as being a person in a state of slavery.

2. No rights arising out of an alleged property in the person, &c., of another as a slave, shall be enforced by any Court, &c.

3. No person who may have acquired property, &c., shall be dispossessed, &c., on the ground that the person from whom it was derived was a slave.

4. Any act which would be a penal offence if done to a free man shall be equally an offence if done to any person on the pretext of his being a slave.

An Act for declaring and amending the Law regarding the condition of Slavery within the Territories of the East India Company.

I. It is hereby enacted and declared, that no public Officer shall, in execution of any decree or order of Court, or for the enforcement of any demand of Rent or Revenue, sell, or cause to be sold, any person, or the right to the compulsory labour or services of any person, on the ground that such person is in a state of slavery

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of

another as a slave shall be enforced by any Civil or Criminal Court or Magistrate within the Territories of the East India Company.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry or by the exercise of any art, calling or profession, or by inheritance, assigment, gift or bequest, shall be dispossessed of such property or prevented from taking possession thereof on the ground that such person from whom the property may have been derived was a slave.

IV. And it is hereby enacted, that any act which would be a penal offence if done to a free man shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

BENGAL.—AMEENS AND MOONSIFFS.

ACT No. VI. OF 1843.

[*Passed on the* 21*st April*, 1843.

1. Modifies Clause 4, Section 18, Regulation 5, 1831. Principal Sudder Ameens to be guided by the rules established in Courts of Zillah and City Judges.

2. Extends Section 4, of Act 25, 1837, to all interlocutory orders passed by Principal Sudder Ameens.

3. Repeals parts of Regulation 22, 1814, prohibiting Sudder Ameens and Moonsiffs from requiring Security, &c.

4. Sudder Ameens and Moonsiffs may demand Security under Sections 4 and 5, Regulation 2, 1806, and may proceed for realization of fines without reference to Zillah Judge.

5. Modifies Section 22, Regulation 5, 1831. Decrees passed on appeal in Courts of Judges or Principal Sudder Ameens shall be executed by the Court in which the original decree was passed, &c. In appeal from order of Moonsiffs or Sudder Ameens, the decision of Zillah or City Judge to be final.

6. Repeals Clause 2, Section 13, Regulation 23, 1814, and Clause 4, Section 5, Regulation 5, 1831.

7. No person by reason of place of birth or of descent shall in any civil proceeding be exempted from jurisdiction of Moonsiffs, &c.

8 and 9. Persons invested with the power of Moonsiffs may receive, &c, suits of every descriptions, under restriction, &c., as to local jurisdiction and value mentioned in Clauses 1, 2, and 3, Section 5, Regulation 5, 1831. But no Moonsiff to try Suit, &c., in which he himself, his relations, &c., are interested.

(9.) Suits which he cannot try by reason of this restriction shall be sent to Zillah Judge who may refer the same, &c., to any other Moonsiff.

An Act for amending the law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.

Repealed by Act X., 1861.

MADRAS.—PROVINCIAL AND ZILLAH COURTS.

ACT No. VII. OF 1843.

[*Passed on the 28th April,* 1843.

1. The Governor in Council may abolish the Provincial Courts of Appeal and Circuit and the Civil and Criminal Zillah Courts and establish new Zillah Courts and replace the existing ones by Courts constituted according to Regulations 1 and 2, 1827, or Regulations 7 and 8, 1827.

2, 3, and 4. Every Zillah Court to be established shall be superintended by one Judge, styled Civil and Session Judge, &c., and (3) have the same jurisdiction as is now exercised by Provincial Courts of Appeal, except their Original jurisdiction in suits of less than 10,000 Rupees, &c., which (4) shall be transferred to subordinate Zillah Court, &c.

5. Rescinds Section 7, Regulation 7, 1827.

6. Zillah Courts to entertain Appeals from subordinate Court, &c.

7. Modifies Section 9, Regulation 7, 1827. Principal Sudder Ameen having occasion to call on Collector, &c., to act in any matter before his Court, he shall transmit an extract of the proceedings, &c., an abstract of case, specifying what he requires to be done, &c., and such Collector, &c., shall comply, in same manner as if precept from Zillah Judge had issued, or report the case to the Zillah Judge, who shall proceed thereon.

8. Appeals shall be to Zillah Judge's Court from all subordinate Civil Courts constituted under Regulations 1 and 7, 1827, and from Sudder Ameens and District Moonsiffs, &c., if made within 30 days, &c. Proviso (2) for the case of Courts remote from the Station of the Zillah Court. (3) Zillah Judge may refer to subordinate Judge or Principal Sudder Ameen Appeals from District Moonsiffs, (4) and if such Appeal is dismissed, a summary Appeal shall be to the Zillah Judge.

9. From Zillah Courts Appeals, both regular and summary, shall lie to Sudr Udalut.

10 and 11. Single Judge of Sudr Udalut shall have cognizance subject to specified provisions, which provisions shall also apply to subordinate Judges and Principal Sudder Ameens.

12. Rescinds any provisions requiring inferior Courts to furnish the Sudr Udalut with translations, &c.

13. Modifies Sections 13, 14, of Regulation 5, 1802. All processes, &c., from Sudr Udalut, shall be directed to the Zillah Courts under this Act.

14. Zillah Court may refer the execution of decrees out of the Sudder to the subordinate Judges, Principal Sudder Ameens, &c.

15. All other processes from Sudder Ameen to be executed by proper officers of Zillah Court.

16. Modifies Section 6, Regulation 3, 1833. Power of suspending Sudder Ameens vested in Zillah Courts.

17. (1) The term Zillah Judge, in Regulations 6 and 7, 1816, except Section 56 of Regulation 6, 1816, shall be applicable to Zillah Judges under this Act, and the term Principal Court shall apply to the Sudr Udalut, (2) District Moonsiffs may be employed by subordinate Judges and Sudr Ameens for specified purposes.

18. Zillah Judge may refer to Subordinate Judge or Principal Sudder Ameen, &c., causes called up under Section 54, Regulation 6, 1816.

19. Specified causes sent by District Moonsiff to Zillah Judge may be referred to a Sudder Ameen or another District Moonsiff.

20. Zillah Judges may refer to subordinate Judges and Principal Sudder Ameens applications for execution of decisions of District Punchayets.

21 and 22. Zillah Judges may pass orders on complaints under Section 11, Regulation 7, 1816, according to Clause 4 thereof; (22) and under Section 27, Regulation 7, 1832.

23 Civil Actions and Criminal Prosecutions under specified Regulation, with respect to District Moonsiffs and Sudder Ameens, shall be brought before the Zillah Courts, &c.

24. Rescinds Section 3, Regulation 8, 1816.

25. Modifies Section 14, Regulation 8, 1816. Sudder Ameens may order certain executions, &c.

26. Zillah Courts shall exercise same Criminal jurisdiction as is exercised by Courts of Circuit, &c.

27. Zillah Judges shall hold permanent sessions for trial of persons accused of crimes, &c.

28. Rescinds Section 2, Regulation 13, 1832.

29 Modifies Clauses 1, 3, Section 9, Regulation 10, 1816. Subordinate Judge, or Principal Sudder Ameen, may under specified circumstances commit a prisoner for trial.

30. Session Judge shall try prisoner immediately, &c.

31. Except in specified cases the Mahometan Law Officer, attached to Zillah Court, shall sit with Session Judge, &c.

32, 33, and 34. Session Judge may avail himself of the assistance of respectable Natives in the manner specified, &c. Decision to be by the Judge, but if he differs from the opinion of the Jury it must be confirmed by Foujdaree Udalut; (33) and one Judge of Foujdaree Udalut, may alter or reverse the decision in favor of the accused, &c., or (34) may confirm the decision and pass final sentence except for capital punishment.

35. Foujdarree Udalut, on review of abstract, &c., may, without reference, mitigate sentence, &c., or require the Session Judge to pass a new sentence.

36. Modifies Section 2, Regulation 3, 1833, and vests in Session Judge the power to overrule judgments in Criminal Cases of Sudder Ameens.

37. Section 24 Regulation 10, 1816; Clauses 2, 3, Section 4, Regulation 2, 1822; Clause 2, Section 5, and Clauses 2, 4, Section 8, Regulation 6, 1827; shall apply to Session Judges, &c.

38. Prosecutions against Magistrates, &c., under Section 43, Regulation 9, 1816, shall be instituted in Zillah Court.

39, 40, and 41. Modifies Section 3, Regulation 13, 1832. Session Judge shall bring to notice of Foujdarree Adawlut any gross misconduct of any Native Officer, &c., also (40) any minor neglects, &c., of subordinate Officers of police, &c., and (41) report any neglect, &c., of the Magistrate, &c., by which the course of justice has been impeded, &c.

42. Session Judge may communicate directly with the District Officers of Police, to obtain evidence in cases specified.

43. Except as in Section 47, Europeans and Americans charged with offences not punishable by Magistrate, &c, shall be tried by Sudder Judge, &c.

44. If Governor in Council has established the Zillah Court and the Courts of Subordinate Judge, &c, at separate stations, the Governor in Council may authorize the Session Judge to take cognizance of specified Criminal cases.

45. If Subordinate Civil and Criminal Court is established, the Governor in Council may authorize the Civil and Session Judge to exercise the jurisdiction assigned to such Courts besides his own proper Civil and Criminal Jurisdiction.

46. Governor in Council may authorize Sudder Ameen at detached station to receive, &c., civil suits, &c., without intervention of Zillah Judge under prescribed limitation as to amount, and Criminal cases, the punishment of which is limited, &c.

47. European Principal Sudder Ameen at Cochin, shall exercise all the powers of a Criminal Court, &c.

48 and 49 Zillah Court to be under charge of Session Judge in specified case, and (49) in other cases under Judge of subordinate Court, subject to visitation, &c., by Session Judge.

50. Subordinate Officers and Vakeels of Zillah Courts shall be subject to same rules as those of the Principal Courts of Appeal.

51. Governor in Council shall direct what Law Officers shall be appointed, &c.

52. The Governor in Council may appoint Assistant Judge, &c.

53. The Governor General in Council may authorize the Governor in Council to change the stations of Zillah Courts, &c.

54 and 55. Extends to Magistrates the powers vested in Criminal Judges under specified Regulations, to be exercised in like manner as by subordinate Criminal Courts, subject (55) to an appeal to Sudder Judge within one month, who may alter or annul the decision of the Magistrate, but not increase the punishment.

56. Courts established under this Act to dispose of cases pending, &c.

An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II. and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil jurisdiction of such Courts.

I. It is hereby enacted, that the Governor in Council of Fort Saint George be empowered by an order in Council to abolish the provincial Courts of Appeal and Circuit, and the Civil and Criminal Zillah Courts, now existing in that Presidency, and to establish new Zillah Courts to perform the Civil and Criminal functions now performed by the said provincial Courts, and to replace the existing Civil and Criminal Zillah Courts, by Courts constituted according to Regulations I. and II. of 1827, or Regulations VII. and VIII. of 1827, at his discretion.

II. And it is hereby enacted, that every Zillah Court established under this Act, shall be superintended by one Judge, who shall be styled Civil and Session Judge of the Zillah.

III. And it is hereby enacted, that the Zillah Courts established under this Act shall exercise within the limits assigned to them respectively by the Order in Council by which they are constituted, the same Civil jurisdiction as is now exercised by the Provincial Courts of Appeal, except the original jurisdiction vested in those Courts in suits for an amount or value less than 10,000 Company's Rupees, and shall be vested with the same authority, and shall be subject to the same rules and restrictions as such Provincial Courts of Appeal, except as hereinafter mentioned.

IV. And it is hereby enacted, that the original jurisdiction vested in the provincial Courts of Appeal in suits for an amount or value less than 10,000 Company's Rupees, shall be transferred to the subordinate Zillah Courts constituted according to Regulations I. and VII. of 1827.

V. And it is hereby enacted, that Section VII., Regulation VII. of 1827, be rescinded.

VI. And it is hereby enacted, that in every Zillah in which there is a subordinate Court constituted according to Regulation

VII. of 1827, the Zillah Court shall take cognizance of the appeals which by Section VIII. of that Regulation are reserved from the jurisdiction of such Court.

VII. First.—And it is hereby enacted, in modificated of Section 9, Regulation VII. of 1827, that in all cases in which a Principal Sudder Ameen has occasion to call upon a Collector, subordinate Collector, or Assistant Collector, or other European Officer of Government, to do any thing in any matter before his Court, he shall transmit to such Officer an extract from the proceedings of the Court containing a brief Abstract of the case, and specifying what is required to be done by him, with a request that he will comply therewith, and that he will return an answer stating what he has done within a certain time; and such Officer shall comply with the requisition so conveyed to him, in the same manner as if it had been accompanied by a Precept from the Zillah Judge.

Second.—Provided, that if such Officer does not comply with such requisition the Principal Sudder Ameen shall report the case to the Zillah Judge who shall proceed thereon as if the requisition had been made by a Precept from himself.

VIII. First.—And it is hereby enacted, that appeals shall lie to the Zillah Court from all decrees or orders of subordinate Civil Courts constituted according to Regulations I. and VII. of 1827, and of Sudder Ameens and District Moonsiffs, in cases in which Appeals are now allowable, but such appeals must be preferred within the period of 30 days, to be calculated as prescribed in the existing Regulations.

Second.—Provided, that whenever a Court constituted according to Regulation I. of 1827, or according to Regulation VII. of 1827, is established in any Zillah, at a place remote from the station of the Zillah Court, the Sudr Udalut, with the sanction of the Governor in Council, may order Appeals from the decisions and orders of District Moonsiffs stationed within the limits assigned to such Court, to be preferred to such Court. But it shall be competent to the Zillah Judge, at his discretion, to call up to his own Court, from time to time, Appeals received by any such Court, and to dispose of them himself.

Third.—Provided also, that the Judge of any Zillah Court may refer to any Subordinate Judge or Principal Sudder Ameen in the

Zillah, any Appeals from District Moonsiffs which may be filed in the Zillah Court.

Fourth.—Provided also, that if any such Appeal from a decision or order of a District Moonsiff which may have been under this Section referred for decision, or preferred in the first instance, to a Subordinate Judge or Principal Sudder Ameen, be dismissed without any decision being come to on its merits, it shall be competent to the party aggrieved by such order of dismissal to prefer a summary Appeal from it to the Judge of the Zillah, and it shall be the duty of the said Zillah Judge to hold such proceeding on such summary Appeal as he may consider proper, and, having satisfied himself that the order dismissing the Appeal has been passed without sufficient cause being shown for such dismissal, it shall be competent for such Zillah Judge to issue his precept to the Court by which the Appeal may have been dismissed, requiring that the Appeal shall be again admitted on the file, and a decision passed upon it after mature consideration of its merits.

IX. And it is hereby enacted, that Appeals, Regular and Summary, from decisions and orders of the Zillah Courts, shall lie to the Sudr Udalut, under the same rules and restrictions as are applicable to similar Appeals to the Sudr Udalut from the Provincial Courts of Appeal.

X. and XI. Repealed by Act X., 1861.

XII. And it is hereby enacted, that any provisions of the existing Regulations which require inferior Courts to furnish the Sudr Udalut with translations of papers written in the Vernacular languages of the country, which they may transmit to that Court in Appeals and other cases, be rescinded.

XIII. And it is hereby enacted, in modification of Sections XIII. and XIV., Regulation V., of 1802, that all processes and orders therein described which may issue from the Sudr Udalut, shall be directed to the Zillah Courts established under this Act.

XIV. Repealed by Act X., 1861.

XV. And it is hereby enacted, that all other processes issued by the Sudr Udalut and directed to the Zillah Courts, or originating in the Zillah Court, shall be served under the orders of the Zillah Judge by the proper Officers of the Court.

XVI. And it is hereby enacted, in modification of Section 6, Regulation III, 1833, that the power of suspending Sudder Ameens from Office, thereby vested in the Zillah, Assistant, and Native Judges, shall for the future be vested in the Judges of Zillah Courts established under this Act.

XVII. First.—Repealed by Act X., 1861.

Second.—Provided, that District Moonsiffs may be employed by subordinate Judges and Principal Sudder Ameens as well as by Judges of Zillah Courts, in the manner and for the purposes specified in Section 60 and 61, Regulation VI., 1816.

XVIII. and XIX. Repealed by Act X., 1861.

XX. And it is hereby enacted, that the Judges of Zillah Courts may refer to the subordinate Judges, and Principal Sudder Ameens, applications for the executions of decisions of District Punchayets preferred under Section 17, Regulation VII., 1816.

XXI. And it is hereby enacted, that it shall be competent to Judges of Zillah Courts to pass orders of their own authority on complaints preferred under Section II., Regulation VII., 1816, according to Clause 4 thereof.

XXII. And it is hereby enacted, that the Zillah Judge shall be competent to receive and pass orders of his own authority on complaints preferred under Section 27, Regulation VII., 1832.

XXIII. And it is hereby enacted, that Civil Actions and Criminal prosecutions, under Clauses 1 and 2, Section 8, Regulation VI., 1816, with respect to District Moonsiffs, and as extended by Section 13, Regulation VIII, 1816, with respect to Sudder Ameens, shall be brought before the Zillah Courts established under this Act.

XXIV. And it is hereby enacted, that Section 3, Regulation VIII., 1816, be rescinded.

XXV. Repealed by Act X., 1861.

XXVI. (*Criminal Jurisdiction.*)—And it is hereby enacted, that the Judges of the Zillah Courts established under this Act shall exercise within the limits assigned to those Courts respectively, the same criminal jurisdiction as is now exercised by the Judges of the Courts of Circuit; and shall be vested with the same authority, and subject to the same rules and restrictions, as far as they are applicable and consistent with this Act.

XXVII. Repealed by Act XVII., 1862.

XXVIII. And it is hereby enacted, that Section 2, Regulation XII., 1832, be rescinded.

XXIX., XXX., XXXI., XXXII., XXXIII., XXXIV. Repealed by Act XVII., 1862.

XXXV. Repealed by Act XIX. 1848, s. 1.

XXXVI., XXXVII. Repealed by Act XVII., 1862.

XXXVIII. And it is hereby enacted, that prosecutions against Magistrates and their Assistants under Section 43, Regulation IX., 1816, shall be instituted in the Zillah Courts established under this Act.

XXXIX. First.—And it is hereby enacted, in modification of Section 3, Regulation XIII., 1832, that it shall be the duty of the Session Judge to bring to the notice of the Foujdaree Udalut any gross misconduct of any Native Officer of Police which may have come under his observation in a case investigated by himself, or which may have been reported to him by a subordinate Judge, or Principal Sudder Ameen, and which appears to him to deserve the penalty of dismissal, and it shall be competent to the Foujdaree Udalut to order the dismissal of such Officer.

Second.—Provided, that the Session Judge shall furnish a Copy of his Report upon the case to the Magistrate, and the Foujdaree Udalut shall not pass a final order upon it until the answer of the Magistrate, which shall be addressed to that Court, has been received and considered.

XL. And it is hereby enacted, that it shall be the duty of the Session Judge to bring to the notice of the Magistrate any minor neglects, or omissions, or transgressions, of the subordinate Officers of Police which have come under his own observations, or have been reported to him by subordinate Judge or Principal Sudder Ameen, and such notification shall be recorded in the periodical returns to the Foujdaree Udalut.

XLI., XLII., XLIII. Repealed by Act XVII., 1862.

XLIV. And it is hereby enacted, that in any Zillah in which the Governor in Council of Fort St. George deems it expedient to establish the Zillah Court, and the Court or Courts under subordinate Judges or Principal Sudder Ameens, at separate stations, it shall be competent to the said Governor in Council, by an order in Council, to authorize the Session Judge to take cognizance of all Criminal cases subject ordinarily to the jurisdiction of the

subordinate Courts, as well as cases subject to his own jurisdiction, which shall be sent to him by the Magistrate or Officers of Police of such Talooks as shall be therein indicated, and to dispose of such cases according to the rules applicable to them respectively.

XLV. And it is hereby enacted, that in any Zillah in which the Governor in Council of Fort St. George deems it unnecessary to establish a subordinate Civil and Criminal Court, constituted according to Regulations I. and II. or Regulations VII. and VIII., 1827, it shall be competent to the said Governor in Council, by an Order in Council, to authorize the Civil and Session Judge to exercise the Civil and Criminal Jurisdiction assigned to such Courts besides the proper Civil and Criminal Jurisdiction of the Zillah Court, and to take cognizance immediately of Criminal cases within his proper jurisdiction as Session Judge, as they are sent up by the Police and Magistracy.

XLVI. And it is hereby enacted, that when the said Governor in Council deems it proper to establish in any such Zillah a Court under a Sudder Ameen at a detached station, it shall be competent to the Governor in Council to authorise the Sudder Ameen to receive and dispose of Civil Suits arising in the portion of the Zillah over which jurisdiction shall be assigned to him, without the intervention of the Zillah Judge, under the limitation as to amount or value prescribed by the existing Regulations; and also to receive and dispose of Criminal cases sent to him by the Police and Magistracy of the Division subject to his jurisdiction, for which the punishment prescribed shall not exceed the limitation specified in Section 7, Regulation X. of 1816.

XLVII. And it is hereby enacted, that whenever the Governor in Council of Fort St. George shall establish a Court under a European Principal Sudder Ameen at Cochin, such Principal Sudder Ameen shall exercise within the jurisdiction assigned to him all the powers of a Criminal Court, constituted according to Regulation II. of 1827, and also all the powers of a Joint Magistrate.

XLVIII. And it is hereby enacted, that when the subordinate Criminal Court at the station of a Zillah Court is constituted according to Regulation VIII. of 1827, the Zillah Gaol shall be under the charge of the Session Judge.

XLIX. Repealed by Act VIII., 1856.

L. And it is hereby enacted, that the subordinate Officers and Vakeels who shall be appointed to the Zillah Courts, established under this Act, shall be subject to the same rules as are applicable to the subordinate Officers and Vakeels of the Provincial Courts of Appeal.

LI. Repealed by Act XI., 1864.

LII. And it is hereby enacted, that the Governor in Council of Fort St. George may appoint an Assistant Judge to any Zillah Court, to whom the Judge shall have authority to refer any Appeals which may be depending before him, excepting Appeals from the subordinate Courts constituted according to Regulation I. or Regulation VII. of 1827, and such Assistant Judge shall be empowered to try and dispose of cases so referred to him under the rules applicable to the Judge.

LIII. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an order in Council, to authorize the Governor in Council of Fort St. George at any time to change the stations of Zillah Courts and the limits of their local jurisdiction, and to abolish any of the Zillah Courts which shall be first established under this Act, and to establish new Zillah Courts in any parts of the Presidency of Fort St. George.

LIV., LV., LVI. Repealed by Act XVII., 1862.

Act X., 1861, repeals all the suppressed Sections as respects parts where the Code of Civil Procedure has been introduced, and Act XVII., 1862, repeals all the other suppressed Sections as respects parts where the Code of Criminal Procedure has been introduced. In effect this is a general repeal of the sections specified.

PROVINCIAL COURTS OF APPEAL.

Act No. VIII. of 1843.

[*Passed on the 28th April*, 1843.

An Act for disposing of the original suits and appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.

An Act of temporary operation, supplemental to Act No. VII.

BANK OF MADRAS.

ACT No. IX. OF 1843.

[*Passed on the* 14*th June*, 1843.

1. Incorporates, by the name of the Bank of Madras, the persons named in Schedule, upon certain contingencies.

2. Shares which have lapsed, by reason of non-payment of subscription, shall be tendered to specified applicants, and if not taken by such, shall be at disposal of General Meeting of Proprietors.

3. Capital Stock of the Bank to be thirty lacs of rupees, whereof three to be the property of the Governor General in Council of Madras, and the rest of the persons who are scheduled as proprietors.

4. Governor General of India in Council may authorise the capital to be increased, and make order for opening subscription, and for disposal of new stock, &c.

5. The Capital Stock to be divided into shares of 1,000 rupees each, and numbered accordingly, and shares from 1 to 300 to be the property of the Governor in Council. If Stock is increased, it shall be divided in similar manner. No share to be less than 1,000 rupees.

6. On 1st of July, 1843, if subscriptions are paid up, the Governor in Council shall notify the incorporation of the Bank, and that it is open. Bank may sue and be sued by its corporate name, use a common seal, acquire and hold any description of property.

7. The business of the present Government Bank shall cease, &c., on the opening of the Bank of Madras.

8. Relates to the winding-up of the affairs of the Government Bank.

9. Proprietors to have a Certificate of their shares, signed by three Directors; each proprietor may have Certificate either for each share singly, or for all the shares held by him, or several Certificates.

10. No proprietor to hold more than 50,000 rupees in the Capital of the Bank, except on occasion of an increase in the Capital stock under Section 4, &c., and except any addition to his interest arising from Succession, Bequest, or Marriage.

11. Shares in the Capital Stock to be personal property, and transferable by endorsement on Certificate under the hand of the Proprietor, &c.; but such endorsement not to be effectual until registered.

12. The corporate body shall consist of the Registered Proprietors of Shares for the time being.

13, 14, and 15. The business of the Bank to be managed by nine Directors, of whom three shall be appointed by the Governor in Council the rest at a

General Meeting of Proprietors; (14) the six, to be elected from among the holders of six shares in the Capital Stock by the Shareholders in person or by proxy, and two to go out each year, those having the fewest votes first, and so on; and (15) a new election to be made on the second Monday in December; outgoing Directors not to be re-elected at the next election.

16. In case of the death, resignation, absence from Madras for more than three months, or disqualification of any elected Director, a General Meeting to be called to elect a successor.

17. No person to be elected a Director who has not in his own right six unencumbered Shares, or who is a Director of any other Bank in Madras issuing Notes payable on demand.

18. At General Meetings, every election, &c., to be decided by a majority of votes, and no person to vote in respect of any share acquired by transfer, &c., or otherwise than by Act of Law, unless transfer completed six months previously.

19. Proprietors to vote according to specified scale; no Proprietor to have more than four votes.

20. The holder of Government proxy to have four votes, except at election of Directors.

21. Proprietors may give either general or special proxy to a Proprietor who may vote according to the tenor of the proxy.

22. Directors to choose a President, &c., in whose absence the Senior Director shall be V. P. President and V. P., in case of equality of votes, to have casting vote.

23. Three Directors necessary to form a Board. Directors to establish a rotation among themselves so that not less than three may attend weekly.

24. All accounts of the Bank and all instruments not under seal, &c., except Cash Notes, shall be signed by three Directors. Seal not to be affixed except in presence of three Directors, who shall sign, &c.

25. Directors may appoint Officers, but expense of establishment not to exceed 50,000 Rupees.

26. No person holding the office of Secretary, &c., shall engage in other Commercial business, &c., and such Officers shall give Security in 50,000 Rupees.

27. Bank shall not be engaged in any kind of business, except the eight kinds in this Section specified.

28. Directors not to discount any Negotiable Security, or make Loan, unless it has Cash equal to one-fourth of all claim against it payable on demand.

29. Directors not to discount Negotiable Securities having more than three months to run, nor lend for more than three months, or advance on Bank Shares or Mortgage, nor on Security of Lands, &c., nor on Security which does not carry on it the responsibility of at least two individuals or firms unconnected in general Partnership, nor in any other manner (saving by deposit of Government Securities or Goods not perishable) beyond three Lacs of Rupees: advances upon Government Bills or obligations not to be within this restriction.

30. No Loan, other than the above, to be made except on deposit of public Securities, indorsed to the Bank, or Goods not perishable and exceeding in value by one-fourth the amount of the Loan.

31. Bank not to advance to Government more than 7½ Lacs. But the holding of Government Securities, &c., not to be construed as an advance within the meaning of this Clause.

32. No person keeping Cash with the Bank to be allowed to overdraw his account.

33. Bank may issue notes payable on demand, or not exceeding 30 days after sight, which may be signed by such person as the Directors may appoint. The amount of such notes not to exceed one Crore of Rupees, and no note to be for less than ten Rupees.

34. Not lawful for the Bank to make any note, &c., for the payment of money elsewhere than within the limits of India.

35. Bank may receive in deposit Goods not of a perishable kind, and contract for their safe keeping.

36. Books of the Bank to be balanced on the 30th June and 31st December, and a Statement of the Balance, signed by a majority of the Directors, to be sent to one of the Secretaries of the Government; and Bank to give further information, and to produce documents, &c., if required by the Governor in Council.

37. An account of the profits of the Bank shall be taken half-yearly on the 1st January and 1st July, and a dividend, amount to be determined by the Directors, made on the ground of actual profits. Directors may set apart not more that 5 per cent. on the Capital Stock as a reserve against Contingencies.

38. First Monday in March every year, a Statement of the affairs of the Bank to be submitted to General Meeting of Proprietors, &c.

39. Any three Directors, or any ten Proprietors may convene General Meeting of Proprietors upon giving 15 days' previous notice, &c.

40. Bank, with sanction of Governor in Council, and approbation of Court of Directors, may establish Branch Banks, &c., which shall be subject to same rules and restrictions, &c., as the Bank established by this Act.

41. Dividends of Proprietors indebted to the Bank may be applied in payment of debt to the Bank. After demand of payment and default, Bank may refuse to register any transfer of Share of such Proprietor, and sell the Share after six months' notice.

42. Bank to continue till 1st July, 1850, and thereafter until duly dissolved, &c. But not to be dissolved, &c., until after 12 months' notice. If Bank suspend Cash payments, the benefits given by this Act shall be forfeited.

For the incorporation of a Bank at Madras.

Whereas the Honorable Court of Directors of the East India Company, by and with the approbation of the Board of Commissioners for the affairs of India, has directed the abolition of the present Government Bank at Madras, and in lieu thereof has

sanctioned the establishment of a Bank at Madras on the principles hereinafter set forth, and has required the Government of India to pass an Act of Incorporation for the same:

I. It is therefore hereby enacted, that from the First day of July next ensuing, in the year of our Lord 1843, the persons whose names are included in the Schedule hereunto annexed, having severally subscribed and signed their acceptance of the terms of incorporation specified in this Act, and with the Government of Madras on the part of the East India Company, having paid into the Government Treasury the amount of Capital Stock subscribed by them respectively, and taken receipts for the same from the Sub-Treasurer to the Government of Fort Saint George, shall, together with the Governor in Council for the time being of the Presidency of Madras, be a corporation body Corporate and Politic by name of the Bank of Madras, with perpetual succession to them and their successors as Proprietors for the time being of the said Bank as hereinafter mentioned and provided, and shall possess and enjoy all the rights privileges, and immunities incident by law to a corporation aggregate.

Provided, however, that it shall be lawful for the Governor General of India in Council at any time before the 1st of September next, to rectify any errors in the Schedule of the said Proprietors by notice in the Official Gazettes of Calcutta and Madras, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby declared and provided, that if any of the persons whose names are in the said Schedule shall have failed to make good their subscriptions on or before the 1st day of May last past, the Shares to which such names are attached were claimable and might be taken by the persons who having made applications for Shares which were received after the prescribed amount of Capital had been taken and subscribed for by the parties in the said Schedule, had been permitted to have their said applications registered as received: and the shares which shall have so lapsed having been tendered to such applicants in the order of such registry according to the list given in to the Governor in Council at Fort Saint George, shall be and are the property of such persons provided they shall have in the manner heretofore mentioned paid up their subscriptions on or before the 20th day of May last past.

And in the event of there having remained any unpaid Shares after the parties whose names had been so registered had thus had the option of completing the payments due on such Shares, then such remaining unpaid Shares are declared to have been at the disposal of a General Meeting of the Proprietors convened for that purpose. And it is hereby enacted, that the persons who shall have become the Proprietors of the lapsed Shares in the manner above provided, or under an appropriation made at such General Meeting of Proprietors, by payment of the amount subscribed, shall be considered to belong, and shall to all intents and purposes belong to the Corporation body corporate and politic, by name of the Bank of Madras, and shall possess and enjoy all the rights, privileges, and immunities the same as the persons according to the Original Schedule who shall have paid up their subscriptions on or before the 1st day of May last past. And it is hereby declared and required that as soon after the promulgation of this Act as may be practicable the Governor in Council at Fort Saint George shall publish in the Official Gazette of that Presidency a Schedule of the Proprietors of the Bank of Madras as incorporated under the provisions of this Act, and that the same shall be transmitted to be republished in the official Gazette of Calcutta.

III. And it is hereby enacted, that the Capital Stock of the Bank of Madras shall be Thirty Lacs of Rupees, whereof Three Lacs shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the persons whose names are in the Schedule hereunto annexed, or in any Schedule corrected in the manner provided for in the 1st Section of this Act, or whose names shall be in the Schedule published by order of the Governor in Council at Fort St. George in the Official Gazette of that Presidency, as required in Section 2 of this Act, shall be Proprietors of the shares of the said Capital Stock set against their names respectively.

IV. And it is hereby enacted, that it shall be in the power of the Governor General of India in Council, from time to time, by an order duly published in the Official Gazettes of Calcutta and of Madras, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of Subscriptions towards such increase of capital as to him may seem fit,

giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportion of New Stock to which they may respectively be entitled, and also to make such order and direction as to him the said Governor General in Council may seem fit for the disposal of the amount of New Stock that may not be subscribed for, and paid up by the Proprietors in the manner and form that may be so prescribed.

V. And it is hereby enacted, that the Capital Stock of the Bank of Madras shall be divided into shares of one thousand rupees each, which shall be numbered accordingly, and three hundred of the said Shares, numbered from No. 1 to 300, shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the remainder shall be the property of the proprietors who shall have paid up the same, and no separate interest or share in the Stock of the said Bank of less amount than 1,000 rupees shall be created, or held by any Proprietors, and if at any time the capital of the said Bank shall be increased, the new Stock added thereto shall in like manner be divided into shares of 1,000 rupees each, and no Proprietor shall be entitled to claim a share of such new Stock of less amount than 1,000 rupees.

VI. And it is hereby enacted, that on the said 1st day of July, 1843, or on some early day after that date, provided the subscriptions have been paid up as above prescribed, the Governor in Council of Madras shall notify in the Official Gazette of that Presidency that the Bank of Madras being incorporated as above provided, shall from the date of such notification be opened for the transaction of all manner of business authorized by this Act, and the said Bank shall and may sue and be sued by its Corporate name, and shall and may use such common Seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

VII. And it is hereby enacted, that immediately on the opening of the said Bank of Madras, the business of the present Government Bank of Madras shall cease, and it shall proceed to

wind-up its affairs as soon as possible, and all cash Notes of the Government Bank of Madras which shall be then outstanding shall be payable thenceforth at the Bank of Madras, which shall pay them on being verified by such Officers as the Governor in Council of Fort St. George may appoint for the purpose, on presentment, as if they had been issued by the Bank of Madras.

VIII. And it is hereby enacted, that on Monday of every week, so long as there are any Notes of the Government Bank outstanding, the Bank of Madras shall cause to be made up a statement of the Notes of the Government Bank paid by them in the course of the preceding week, and transmit the same to the Governor in Council of Madras with the Notes, who shall thereupon cause the amount, with all reasonable expedition, to be repaid to the Bank of Madras.

IX. And it is hereby enacted, that after the delivery by the Sub-Treasurer at Madras, to whom all subscriptions on account of the Capital of this Bank will have been paid, as above provided, of the amount of Capital Stock to the Directors of the Bank, the receipt which may be granted by the Sub-Treasurer to the Subscribers respectively shall be cancelled, and a Certificate, signed by three Directors of the Bank of Madras, shall be delivered to each Proprietor, and any person who is a Proprietor of more than one share of the Capital Stock, may at his option demand a Certificate for each of his Shares, or one Certificate for all his shares, or several Certificates, each of which may be for any number of his Shares.

X. And it is hereby enacted, that no Proprietor shall be allowed to increase his Share in the Capital Stock of the said Bank beyond the amount of 50,000 Rupees, excepting on occasion of any increase being made to the Capital Stock of the said Bank, under the authority of the Governor General in Council, in the manner prescribed in Section 4 of this Act, in which case any Proprietor holding Stock to the full amount of 50,000 Rupees, shall, notwithstanding, be entitled to subscribe to the increased Capital Stock in a rateable proportion; and excepting any addition to his interest in the said Capital Stock arises from Succession, Bequest, or Marriage.

XI. And it is hereby enacted, that the said Share or Shares of the Capital Stock of the said Bank shall be of the nature of

Personal Estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the Certificates thereof, respectively, under the hand of the Proprietor or Proprietors, or his or their Attorney duly authorized which endorsement shall specify the name of the person or person to whom the said transfer shall be made, but no such endorsement shall be effectual to transfer any such Share or Shares, until such endorsement shall have been registered at the Bank of Madras, and such registration shall have been noted on such endorsement under the hand of an Officer appointed for that purpose, by the Directors of the said Bank.

XII. And it is hereby enacted, that the said Corporate body of the Bank of Madras shall consist and be composed of the Registered Proprietors for the time being of the said Shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XIII. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and be removeable by the Governor in Council of Madras, and the remaining six shall be elected by the General Meeting of the Proprietors of the said Bank, and shall be removeable by vote of the majority of a General Meeting of the said Proprietors.

XIV. And it is hereby enacted, that the first Directors of the Bank shall be such three persons as may be appointed by the Governor in Council of Madras to be Directors of the Bank, together with six persons of those whose names are inserted in the Schedule of Proprietors published in the Official Gazette of Fort St. George, in the manner prescribed by Section 2, of this Act, and who being entitled to not less than six shares, or 6,000 rupees of the Capital Stock of the said Bank, shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule, to be held at such time and place as the Governor in Council of Madras may fix by public notification in the Official Gazette of that Presidency, and the election shall be made by the persons who according to the said Schedule of Proprietors may be entitled to Shares of the Capital Stock of the Bank, and the said persons shall vote at such election in person, or by proxy, according to the quantity of Stock respectively held by them, and the Directors so appointed shall appoint officers, and take all necessary steps

for opening the Bank when this Act shall take effect for its incorporation, and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes, the two Directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

XV. And it is hereby enacted, that two of the six Directors elected as provided in Section XIV. and to be elected by the Proprietors, shall in rotation go out of office on the second Monday in the month of December, in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead, but no Directors going out by rotation as aforesaid shall be re-elected at the election which takes place thereupon, though he shall be eligible for a future election.

XVI. And it is hereby enacted, that in case of the death, resignation, or absence from Madras for more than three months, or disqualification under Section 17, or removal as aforesaid, of any Director elected as provided in Section 14, or to be elected by the Proprietors after the incorporation of the Bank of Madras, the Directors shall call a General Meeting of the Proprietors to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the place in rotation above mentioned of the late Direcrector.

XVII. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the Proprietors who shall not be Proprietor in his own right unincumbered of six shares or Six Thousand Rupes of the Capital Stock of the Bank of Madras, or who shall be a Director of any other Bank issuing notes payable on demand within the Town or Suburbs of Madras.

XVIII. And it is hereby enacted, that at a General Meeting of the Proprietors, every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any Share of the said Capital Stock acquired by transfer, or purchase, or otherwise than by Act of Law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XIX. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:—

The Proprietors of—

2	Shares	shall be entitled to	...	...	1	Vote.
6	„	„	...	...	2	„
12	„	„	...	...	3	„
25	„	„	...	...	4	„

And no Proprietor shall be entitled to more than four votes.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of Madras to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor of Madras may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give four votes upon all matters or questions that may be submitted to such Meeting, except upon the election or removal of such Directors as are elected by the said Proprietors.

XXI. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting may give a proxy in writing, either General or Special, under his, her, or their hand, or the hand of his, her, or their Attorney duly authorized, to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given, to vote, on such matter or matters, as shall be authorized by the tenor of such proxy.

XXII. And it is hereby enacted, that at the first Meeting of the Directors, after their election, in every year, they shall choose a President from among themselves, and if the office of President shall become vacant they shall at their next Meeting choose a successor for the remainder of the current year, and that during any vacancy, or in the absence of the President, the Senior Director shall be Vice-President for the time being, and that such President or Vice-President shall have the casting vote, in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXIII. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors; provided

always that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXIV. And it is hereby enacted, that all Accounts of the said Bank, and all instruments not under seal whereby the said Bank can in any manner be bound, except the Cash Notes of the said Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors, such instrument shall be of no validity.

XXV. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not in any one year exceed 50,000 Rupees, without previous authority, from the General Meeting of the Proprietors.

XXVI. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Madras, shall engage in any other Commercial business, either on his own account, or as Agent for any other person or persons, or act as a Broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said offices shall give security to the Directors, for the faithful discharge of his duty in the sum of 50,000 Rupees.

XXVII. And it is hereby enacted, that the said Bank of Madras shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is to say:—

1st. The discounting of Negotiable Securities.

2nd. The keeping of Cash Accounts, including the realization of Dividends and Interest on Government Securities to the credit of constituents of the Bank.

3rd. Buying and Selling of Bills of Exchange payable in India.

4th. The lending of Money on short Loans.

5th. The Buying and Selling of Bullions.

6th. The receiving of Deposits.

7th. The issuing and circulating of Cash Notes and Bank Post Bills.

8th. The selling of Property or Securities deposited in the Bank as Security for Loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of debts and claims.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security and make no Loan unless the amount of Cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

XXIX. And it is hereby enacted, that the Directors of the said Bank of Madras shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a larger period than three months, and that they shall make no loan or advance on any Bank Share, or Certificate of Shares, nor on Mortgage or in any other manner on the Security of any Lands, Houses or immoveable property, nor on any Negotiable Security of any Individual or Partnership Firm, which shall nor carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, not be in advance at one and the same time, to any Individual or Partnership Firm, either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities or Goods not perishable as hereinafter mentioned), beyond the amount of Three Lacs of Company's Rupees, Provided always, that the advances upon Bills of Exchange accepted by the Government or upon Government Obligations, shall not be considered as an advance within the meaning of this restriction.

XXX. And it is hereby enacted, that the Directors of the said Bank shall make no Loan other than such Loans as are described in the clause next preceding, except on deposit of Public Securities in the full amount of the Loan, and which Public Securities shall be so endorsed or otherwise transferred as to put them at the absolute disposal of the said Bank of Madras, or on

deposit of Goods not of a perishable nature, and of an estimated value exceeding the amount of the Loan by at least one-fourth.

XXXI. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than seven Lacs and a half of Company's Rupees, provided always that the holding of Government Securities, or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or Obligations derived to the said Bank from Individuals and not overdue or subscribed and paid for by the Bank, shall not be construed as being in advance to the Government within the meaning of this Clause.

XXXII. And it is hereby enacted, that the Directors of the said Bank of Madras shall not suffer any person or persons or body corporate keeping cash with the said Bank of Madras to overdraw his, her, or their account.

XXXIII. And it is hereby enacted, that the said Bank of Madras may issue Promissory Notes payable either on demand or at a debt not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf; provided always that the total amount of such Notes in circulation at any one time shall not exceed one Crore of Rupees, and provided also that no such Note shall be for a smaller amount than Ten Rupees. [Repealed by Act XIX., 1861.]

XXXIV. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any Note, Bill, or other Instrument containing any promise, undertaking, or order for the payment of money elsewhere than within the limits of India.

XXXV. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Madras to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXVI. And it is hereby enacted, that the Directors of the said Bank shall cause the Books of the said Bank to be balanced on the 30th day of June and the 31st day of December in every year, and that a Statement of the Balance on every such day, signed by a majority of the said Directors, shall be forthwith

transmitted to one of the Secretaries to the Governor in Council of Madras, and that the Governor in Council of Madras shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXVII. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half-yearly on the 1st day of January and the 1st day of July in every year, and that a Dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such Dividend shall be determined by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the Six Calendar months preceding the day up to which such half-yearly account shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation, shall, upon being audited and admitted by the said Directors, be paid out of the Funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors, and provided that the said Directors, subject to the control and sanction of the Proprietors at the General Meetings, shall have power, when they see fit, to set apart from such profits a sum not exceeding five per cent. on the capital stock of the Bank, as a reserve against contingencies.

XXXVIII. And it is hereby enacted, that on the first Monday of the month of March in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a Statement of the affairs of the said Bank, made up to the preceding 31st of December, and such General Meeting shall be competent to pass resolutions, and frame rules and directions relative to the affairs and conduct of the said Bank, which shall be binding on the Directors and Officers of the Bank and on the Proprietors thereof until rescinded or modified respectively by any subsequent General Meeting.

XXXIX. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank may at any time convene a General

Meeting of the Proprietors, upon giving fifteen days' previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public Advertisement in the Official Gazette of Madras. And any General Meeting so convened shall have the same powers and authorities as prescribed in the preceding Section of this Act for the Annual General Meeting to be held in the month of March.

XL. And it is hereby enacted, that it shall be lawful for the Bank of Madras, with the sanction of the Governor in Council of Madras, and with the approbation of the Court of Directors of the East India Company, to establish Branch Banks at such places, and under such rules and restrictions as shall be determined by the Proprietors at their General Meetings. Provided, however, that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Madras, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of Notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters hereinabove referred to, as are prescribed for the Bank of Madras by this Act.

XLI. And it is further enacted, that if any of the Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the Dividends on the share or shares of such Proprietor registered as his or her own property, and not as held in trust, or as Executor or Administrator, until payment of such debt, and to apply such Dividends towards payment thereof, and that after demand and default of payment and notice in that behalf given, either to such Proprietor, or his or her Constituted Agent, or by public Advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor until payment of such debt, and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over

the surplus, if any, to such Proprietor, or his, or her lawful representative.

XLII. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of July, which will be in the year of our Lord 1850, and shall thereafter continue in like manner until duly dissolved or modified; provided, however, that after the First said day of July 1850, the said Bank shall not, except upon the application or by the consent of the Proprietors of the said Bank, be dissolved, or anywise modified without previous notice of twelve months at the least being given by the Governor General of India in Council, or by the Government of the Presidency of Fort Saint George to the Directors of the said Bank for the time being of such intended dissolution or modification. Provided also that in the event of the said Bank at any time suspending any Cash Payments the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

SCHEDULE.

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Joseph Pugh	Forty,	40	40,000
David Pugh	Twenty,	20	20,000
John Utlay Ellis	Twenty,	20	20,000
Joseph Goolden	Six,	6	6,000
John Pugh	Six,	6	6,000
Major George Hutchinson, 24th Regt. Nat. Inf.	Twelve,	12	12,000
Surgeon Ramsay Sladen	Twenty,	20	20,000
Peter John Phillipsz	Twelve,	12	12,000
Nathaniel Brindley Ackworth	Fifty,	50	50,000
John Line	Twenty,	20	20,000
James Thomson	Twenty,	20	20,000
Surgeon Robert Balkie, M.D.	Ten,	10	10,000
Lieut.-Col. Frederick Larkins Doveton, 5th Regt. Light Cavalry	Ten,	10	10,000
William Haylett	Twenty,	20	20,000
James Cuddy	Five,	5	5,000
James Scott	Twenty,	20	20,000
John Binny Key	Twenty,	20	20,000
William Scott Binny	Ten,	10	10,000
Henry V. Conolly	Ten,	10	10,000
Surgeon John Wylie, M.D.	Twelve,	12	12,000
Donald Mackenzie	Twenty,	20	20,000

SCHEDULE—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
William Liddell	Ten,	10	10,000
Colin C. Dunhill	Four,	4	4,000
Matthew Dunhill	Four,	4	4,000
Mark Dunhill	Four,	4	4,000
Revd. George William Mahon	Twenty,	20	20,000
John Carnac Morris	Fifty,	50	50,000
Major James Macdonald, 45th Regt. Nat. Inf.	Fifteen,	15	15,000
James Ouchterlony	Forty,	40	40,000
Lieut.-Col. Alexander Tulloch, C.B.	Twenty-five	25	25,000
John Murray, M.D.	Ten,	10	10,000
Andrew Barrie	Ten,	10	10,000
Edmund Marsden	One,	1	1,000
Chocopah Chetty	Four,	4	4,000
Surgeon George Harding	Twenty,	20	20,000
John Dent	Ten,	10	10,000
Robert Grant	Forty,	40	40,000
Claude Currie	Twenty,	20	20,000
Surgeon James Smith	Five,	5	5,000
George Gahan	Twenty,	20	20,000
Thomas Kennedy MacFadzen	Ten,	10	10,000
Eleazar Seth Sam	Six,	6	6,000
Andrew Seth Sam	Sixteen,	16	16,000
Varden Seth Sam	Six,	6	6,000
Alexander Maclean	Fifteen,	15	15,000
Captain Isaac Campbell Coffin, 12th Regiment Native Infantry	One,	1	1,000
Robert Clerk	Fifteen,	15	15,000
William Hamilton Hart	Twelve,	12	12,000
James Webster	Ten,	10	10,000
William Scott	Five,	5	5,000
John Scott	Five,	5	5,000
Peter Bell	Five,	5	5,000
Thomas Arthur Chamier	Twelve,	12	12,000
Michael McDowell	Twelve,	12	12,000
Lieut. Arthur Frederick Beavan, 39th Regiment Native Infantry	Five,	5	5,000
Captain James Victor Hughes, 39th Regiment Native Infantry	Seven,	7	7,000
Edward Penton Thompson	Thirty-five	35	35,000
G. P. Thompson	Thirty-five	35	35,000
Archibald Francis Arbuthnot	Twelve,	12	12,000
William McTaggart	Twelve,	12	12,000
Alexander Mackenzie	Twelve,	12	12,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
James Liddell	Ten,	10	10,000
Major-General Robert Brice Fearon, C.B.	Six,	6	6,000
Joseph Bainbridge	Forty,	40	40,000
R. P. Wheeler	Five,	5	5,000
William Wheeler	Five,	5	5,000
Lieut.-Herbert William Wood, 4th Regiment Native Infantry	Ten,	10	10,000
Charles William Eton	Twelve,	12	12,000
Robert Stephenson	Five,	5	5,000
Peter Carstairs	Five,	5	5,000
The Honorable John Sullivan	Forty	40	40,000
Colla Vencatachella Chetty	Twelve,	12	12,000
Alexander Inlis Cherry	Twelve,	12	12,000
Alexander Fairlie Bruce	Twenty,	20	20,000
Nicholas Barembeg	One,	1	1,000
Captain James Smith, 1st No. V. Battalion	One,	1	1,000
Surgeon Thomas O'Neill	Ten,	10	10,000
Lieut.-Col. Scudamore Winde Steel	Twenty,	20	20,000
Lieut.-Col. John Ogilvie	Five,	5	5,000
Robert Franck	Five,	5	5,000
James Minchin	Twenty,	20	20,000
Lieut.-Col. George Sandys, 3rd Regiment Light Cavalry	Twenty,	20	20,000
Henry Dickenson	Twenty,	20	20,000
William Johnson	Twenty,	20	20,000
Ruthnal Veerasawmy Naidoo	Four,	4	4,000
Thomas Parker Waller	Twelve,	12	12,000
John Kickwick	Four,	4	4,000
Charles Kennett	One,	1	1,000
John Jordan	Two,	2	2,000
The Right Honorable John Lord Elphinstone	Fifty,	50	50,000
Thomas Moore Lane, Surgeon	Twelve,	12	12,000
Joseph Browning Pharoah	Two,	2	2,000
John Goldingham	Twenty,	20	20,000
Henry Fox	Four,	4	4,000
William Miller	Five,	5	5,000
Leander Miller	Five,	5	5,000
Captain John Henry Cramer, 2nd M.E. Regt. Light Infantry	Five,	5	5,000
Francis Rencontre	Four,	4	4,000
Walter Elliott	Forty,	40	40,000
E. Brennen	Twelve,	12	12,000
Wheeler Hood George Mason	Four,	4	4,000

SCHEDULE—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount of Rupees.
Montague Robert Taynton	Four,	4	4,000
Theodore Rencontre	Two,	2	2,000
George Gilbert Richardson	Ten,	10	10,000
Malcolm Lewin	Fifty,	50	50,000
James William Burnside	Two,	2	2,000
John De'Vaz	Two,	2	2,000
Coopala Ramanjaloo Naidoo	Five,	5	5,000
Kenneth Macaulay	Fifteen,	15	15,000
George Monro Aiskell Storey	One,	1	1,000
James Lacey Dighton	Twenty,	20	20,000
Lieut.-Col. Peter Edmonstone Craigie, H.M.'s 55th	Twenty,	20	20,000
Lieut. Stafford Vardon, Engineers	Five,	5	5,000
Antoine Francois De Colons	Ten,	10	10,000
Surgeon Archibald Shanks, M.D.	Fifteen,	15	15,000
Mrs K. Chambers	Ten,	10	10,000
William Done Davis	Thirty,	30	30,000
Captain John James McMurdo, 45th Regiment Native Infantry	Two,	2	2,000
Captain Walter William Ross, 17th Regiment Native Infantry	Fifteen,	15	15,000
Captain John Thomas Smith, Engineers	Five,	5	5,000
Apothecary Henry Eason	One,	1	1,000
Lieut.-Col. Robert Alexander	Five,	5	5,000
Lieut.-Col. George E. Jones, K.H., H.M.'s 57th Regiment	Thirty,	30	30,000
Robert Dean Parker	Five,	5	5,000
Reverend M. Bowie	Four,	4	4,000
Lieut.-Col. Joseph Legget, 3rd Regiment Light Infantry	Five,	5	5,000
Sir Henry C. Montgomery, Bart.	Ten,	10	10,000
Captain Charles Henry Faber, Engineers	Four,	4	4,000
Noothalapauty Boohacarloo Naick	Five,	5	5,000
Captain George Augustus Underwood, Engineers	Twenty,	20	20,000
George Bird	Eight,	8	8,000
Thomas William Nailer	Ten,	10	10,000
Lieut-Col. John Hill Wimbolt, 2nd Regiment Native Infantry	Ten,	10	10,000
John Horsley	Five,	5	5,000
Captain James Fitzgerald, 42nd, Regt. Native Infantry	Three,	3	3,000
Assistant-Surgeon William Rose	Four,	4	4,000
Major Duncan Montgomerie, 7th Regt. Lt. Cav.	Five,	5	5,000
Stewart Forbes	Five,	5	5,000

SCHEDULE—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount of Rupees.
Henry Kennett	Five,	5	5,000
Major John Ward, 39th Regt. Native Infantry	Two,	2	2,000
Captain Archibald Douglass, 49th Native Infantry	Twenty-five,	25	25,000
F. E. A Chamier	Five,	5	5,000
Frederick Mortimer Lewin	Ten,	10	10,000
Captain George Logan, 41st Regt. Native Inf. .	Five,	5	5,000
Captain Augustus De Butts, Engineers . .	Two,	2	2,000
Captain Richard Budd, 32nd Regiment Nat. Inf.	Ten,	10	10,000
John Trebeck Couran, Surgeon . , . .	Five,	5	5,000
Captain Daniel Duff, 37th Regiment Native Inf.	Five,	5	5,000
Major William Taylor, 39th Regiment Native Inf.	Ten,	10	10,000
Lieut.-Col. James Perry, 31st Regiment Light Inf.	Five,	5	5,000
Capt. Archibald Woodburn, 40th Regt. Nat. Inf.	Five,	5	5,000
Captain Francis Gresley, H. H. Nizam's Army .	Five,	5	5,000
Major Alexander Lawe, Engineers . . .	Five,	5	5,000
The Venerable Henry Harper, A.M., Archdeacon	Five,	5	5,000
John Charles Starkenburgh	One,	1	1,000
Robert Orr Campbell	Four,	4	4,000
Lieut.-Col. John James Underwood, Engineers .	Ten,	10	10,000
C. C. Vencatachellum Moodelly	Two,	2	2,000
C. Colenda Moodelly	One,	1	1,000
Stewart Johnson Young	Four,	4	4,000
John Frederick Jennings, Veterinary Surgeon .	Five,	5	5,000
Major-General Francis Whish Wilson . . .	Twenty-five	25	25,000
Major Edward Archdale McCurdy, 27th Regiment Native Infantry, ...	Ten,	10	10,000
Assistant-Surgeon James Supple	Ten,	10	10,000
Henry Martin Blair	Ten,	10	10,000
Assistant Surgeon James Eaton, M.D. . .	Twelve,	12	12,000
Thomas W. Goodwyn	Ten,	10	10,000
Assistant-Surgeon Alexander Braithwaite Morgan, H M.'s 55th	Five,	5	5,000
T. Soolochenum Moodelly	Twenty,	20	20,000
Joseph Roberts	Twelve,	12	12,000
Brigadier James Wahab, C.B.	Ten,	10	10,000
Mrs. Gertrude E. Williams	Ten,	10	10,000
Surgeon John Brown, M.D.	Five,	5	5,000
Thomas Turner	Ten,	10	10,000
David Rous Limond	Ten,	10	10,000
George S. Britain	Twenty-five	25	25,000
Richard Taylor	Fifteen,	15	15,000
Conoor Arnachellum	Seven,	7	7,000
William Bensley Anderson	Ten,	10	10,000

SCHEDULE—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount of Rupees.
Dr. Alexander Smith, of Bengal	Forty,	40	40,000
Major Westrop Watkins, 36th Regt. Nat. Inf	Ten,	10	10,000
William Anderson	Eight,	8	8,000
Colonel William Cullen	Twenty,	20	20,000
John Rosmal Cocy	Six,	6	6,000
Captain Thomas Larkins	Forty,	40	40,000
George James Casamajor	Thirty,	30	30,000
Patrick Grant	Twenty,	20	20,000
Surgeon Cornelius Desormeuæ	Two,	2	20,000
Captain John Charles Hawes, 1st M. E. Regt.	Twenty,	20	20,000
Captain George Leacock, 51st Regt. Nat. Inf.	Six,	6	6,000
Gundavady Vencataram Chetty	One,	1	1,000
Rungamah	One,	1	1,000
Major John Wynch, Artillery	Five,	5	5,000
Lieutenant John Ouchterlony, Engineers	Four,	4	4,000
Vurdarajooloo Naicker	Two,	2	2,000
Edward Samuel Atkinson	Ten,	10	10,000
Miss Charlotte Eliza Ann Gardner	Five,	5	5,000
Miss Martha Mary Louisa Gardner	Five,	5	5,000
Henry James Gardner	Five,	5	5,000
Captain C. J. Westley, Bombay Army	Ten,	10	10,000
Andrew Robertson	Twenty,	20	20,000
Edward Peters	Twelve,	12	12,000
Lieut.-Col. Charles Dennis Dun, 44th Regt. N.I.	Fifteen,	15	15,000
William Elphinstone Underwood	Fifteen,	15	15,000
William Waddell	Twenty,	20	20,000
Edward Vincent	Two,	2	2,000
Mrs. Hosanna Arathoon Kerakoose	Fifty,	50	50,000
Nathaniel William Kindersley	Ten	10	10,000
Captain William Henry Simpson, 36th Nat. Inf.	Seven,	7	7,000
Joseph Barrow	Fifteen,	15	15,000
Benjamin Cardozo	Five	5	5,000
Felix Phillips	Five,	5	5,000
Hew Drummond Elphinstone Dalrymple	Twenty,	20	20,000
Narrain Doss Gopaul Doss	Twelve,	12	12,000
Jevaram Davy	Four,	4	4,000
Captain James Palmer Woodward, 9th Regt. N.I.	Five,	5	5,000
Gurderdoss Gobindoss	Twelve,	12	12,000
P. Dasekah Charloo	Two,	2	2,000
Vembaukum Nursingiah, Braminy	Two,	2	2,000
Vembaukum Ravagavah Charrier	Two,	2	2,000
Major Frederick Minchin, 47th Regt. Nat. Inf.	Twenty,	20	20,000

SCHEDULE—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount of Rupees.
A. Vencatachellum Chetty	Four,	4	4,000
Girdirdoss Vallabadoss	Twelve,	12	12,000
William Patten	Two,	2	2,000
Miss Maria Patten	One,	1	1,000
Miss Catherine Patten	One,	1	1,000
Miss Louisa Patten	One,	1	1,000
Col. Charles Augustus Elderton, 52 Regt. Nat. Inf.	Ten	10	10,000
Capt. John Henry Bawden Cougden, 2d Regt. N. I.	Five,	5	5,000
J. Holland, Dy. Qr. Master Gen. Bombay Army .	Ten,	10	10,000
Lieut.-Col. Wm. Martin Burton, Artillery . .	Five,	5	5,000
Captain Alexander Shirriffs, 21st Regt. N. I. .	Five,	5	5,000
Captain Peter Thomas Cherry, 1st Regt. Lt. Cavalry	Five,	5	5,000
Col. Thomas Fiddes	Seven,	7	7,000
			27,00,000

MADRAS.—KURNOOL AND BUNGANAPILLY.

ACT NO. X. OF 1843.

[*Passed on the 15th July*, 1843.

1. Administration of Civil and Criminal Justice and Police and Superintendence of all Revenue affairs in the Districts of Kurnool and Bunganapilly vested in an Agent to be appointed by Government of Fort St. George with assistants similarly appointed.

2. Government of Fort St. George may prescribe rules for guidance of Agent and his subordinates, and may fix the limit of final Civil jurisdiction and of Appeal: and may defer authority of Agent in Criminal trials, and what cases shall be submitted to Foujdaree Udalut.

3. On trials referred, Foujdaree Udalut shall pass judgment or pass orders as in cases referred from a Judge of Circuit

4. Civil Appeals to be decided by Sudder Udalut as Appeals from Provincial Courts.

5. Government of Fort St. George competent with the previous sanction of the Supreme Government, to make alteration in the limits of the jurisdiction of the Agent.

An Act for the administration of Justice and collection of the Revenue in the Districts of Kurnool and Bunganapilly.

Repealed as respects Bunganapilly by Act, XXV., 1848, and as respects Kurnool by Act XXIII., 1858.

BOMBAY.—HEREDITARY OFFICERS.

ACT NO. XI. OF 1843.

[*Passed on the 22nd July*, 1843.

1. Rescinds Section 17 and 18, Regulation 16, 1827.

2. All Hereditary Officers in the Departments of Land Revenue, Customs, Town Duties, Excise, &c., shall render their services as required by the Collector, &c.

3. When the Duties of Hereditary Officers fall in more than one department the Governor in Council may prescribe what Officer shall control such Office.

4. If Hereditary Office is claimed in rotation, the Collector to whom the services are rendered may require the Sharers to nominate from among themselves a fit person to hold the Office as the representative of the family, &c., or in default the Collector may select one.

5. Collector may refuse to confirm nomination by the Sharers, if by reason of age, &c., he thinks the nominee unworthy of the trust, &c., subject to an Appeal to the Governor in Council.

6, 7, and 8. Collector, &c., may punish officiating Hereditary Officer for misconduct, &c., by suspension, &c., by fine, &c.; or (7) by dismissal, under sanction of Governor in Council, and (8) on the investigation previous to dismissal, the Collector, &c., shall have same power as a Magistrate in compelling the attendance of witnesses, &c.

9. If Hereditary Officer is convicted of fraud, &c., by Sessions Court, the Governor in Council may direct the confiscation of the wuttun, wholly or in part, &c., and appoint person to perform the duties, and direct how proceeds of the wuttun shall be applied.

10. No female to perform in person the duties of the office.

11. If Hereditary Officer is incapable of personally discharging the duties of the Office, &c., by reason of sex, &c., the Collector, &c., shall require his guardian to appoint a Deputy, &c.

12. Deputies under this Act, &c., shall be subject to same rules and penalties, &c., as Principals, &c.

13. Saves the rights of Shares, to the rents and profits, after provision has been made for the fit maintenance of the Hereditary Officer, &c.

14. Whenever Collector appoints Deputy, he may assign him a remuneration.

15. The Terms Hereditary District, or Village Officer or Officers, or Hereditary District or Village Revenue Officer, &c., to apply to all descriptions of Hereditary Officers.

An Act for regulating the service of Hereditary Officers under the Presidency of Bombay.

Preamble.—Whereas it has been found that the Provisions of Regulation XVI., 1827, of the Bombay Code, are insufficient to secure the efficient discharge of the duties of Hereditary Officers:

I. It is hereby enacted, that Sections 17 and 18 of Regulation XVI. of 1827, of the Bombay Code, be rescinded.

II. And it is hereby enacted, that all Hereditary Officers, of whatever denomination, belonging to, or employed in the management of the Land Revenue, or of the Customs or Town Duties, or Excise, or other Revenue, or in the Police, or in the Civil administration of the country, shall render the usual services of their respective Officers, as far as the same may be required by the Collector or other Officer under whose control they may be placed by usage or the orders of Government.

III And it is hereby enacted, that when the duties of an Hereditary Office fall in more than one Department, it shall be competent to the Governor in Council of Bombay to prescribe what Officer shall be vested with the control of such Office.

IV. And it is hereby enacted, that it shall be competent to the Collector or other Officer to whom the duties of an Herditary Office are, as provided in Clause 2, to be rendered, when the performance of those duties is claimed in rotation by different shares, to require that the shares in the wuttun shall nominate a fit and proper person from among their number, who shall hold the Office as the representative of the family, either during life, or for such term, not being less in each instance than (five) 5 years, as the Collector or Controlling Officer shall determine, with the sanction of the Governor in Council, and in the event of the sharers not so nominating, when required, one or more of their number within a reasonable period to be fixed by the Collector or Controlling Officer, the Collector or Controlling Officer, shall himself exercise the power of selection, subject to the approval of the Governor in Council.

V. And it is hereby enacted, that it shall be competent to the Collector or Controlling Officer to refuse to confirm the nomination by the sharers of any individual, if he shall have reason to think, that, from age or personal disqualification, the duties of the Office will not be properly performed by him, or if from character and past conduct the person nominated be considered unworthy of trust; provided that the grounds of such refusal shall be recorded in writing, and that an appeal from such decision shall lie to the Governor in Council, whose order thereon shall be final.

VI. And it is hereby enacted, that the Collector or Controlling Officer shall have power to punish Officiating Hereditary

Officers for misconduct or neglect of duty by suspension from office, pay, and emolument, or by fine not exceeding the computed official emolument of their offices for three months, and to levy the said fine in the mode authorised for realizing revenue demands.

VII. And it hereby further enacted, that the Collector or Controlling Officer, in cases of misconduct, or incompetency on the part of an Officiating Hereditary Officer shall have power to dismiss such Officer from his employment, but no such dismissal shall take place, except on an investigation recorded in writing, which shall be submitted for the approval and sanction of the Governor in Council.

VIII. And it is hereby enacted, that in conducting the investigation prescribed in the preceding section, the Collector or Controlling Officer shall have the same authority as a Magistrate in compelling the attendance of parties and witnesses, and the production of papers, and in taking evidence.

IX. And it is hereby further enacted, that whenever any such Hereditary Officer shall be convicted of fraud or malversation, or of any Criminal Offence in the conduct of the duties of the office by any Sessions Court, it shall be lawful for the said Governor in Council, to direct the confiscation of the wuttun either wholly or in part, and after such confiscation, the duties of the office shall be performed by such person as the Governor in Council shall appoint, and the surplus proceeds of the wuttun shall be disposed of for the benefit of the parties previously entitled thereto or otherwise in such manner as the said Governor in Council may direct.

X. And it is hereby enacted, that no female shall perform in person the duties of any Hereditary Office.

XI. And it is hereby enacted, that if any Hereditary Officer is incapable of personally discharging the duties of his or her office by reason of sex, minority, mental or bodily infirmity, or manifest incapacity, it shall be lawful for the Collector or Controlling Officer to call upon him or her, or his or her Guardians, to appoint a Deputy, subject to his approval, and on the party or parties failing to appoint a fit Deputy, within a reasonable period, the appointment shall be made by the said Collector or Controlling Officer.

XII. And it is hereby enacted, that all Deputies appointed

to perform the duties of Hereditary Offices under this Act, and under Section 4, Regulation V., 1833, of the Bombay Code, shall be subject to the same rules and penalties as the Principals, and that the wuttun of the office shall be liable to confiscation upon the conviction by any Sessions Court of any Deputy appointed by the Hereditary Officer in the same manner as it would be under the 9th Section of this Act upon the conviction of the Hereditary Officer himself.

XIII. And it is hereby enacted, that nothing contained in this Act shall be construed to debar the right of any sharer to participate in the rents and profits of any Hereditary Office so held and filled as above provided, after provision shall have been made therefrom for the fit maintenance of the Officiating Hereditary Officer, for which purpose it shall be competent to the Collector or Controlling Officer to fix and assign a specific portion of such rents and emoluments, leaving the remainder only, subject to the claims of the other sharers,—and further that portion of the rents and emoluments so fixed and assigned shall be the official remuneration of the Officiating Hereditary Officer, and shall not be liable to Civil process of any Court of Law.

XIV. And it is hereby enacted, that whenever it may be necessary, as hereinbefore provided, that the Collector or Controlling Officer shall appoint a Deputy to conduct the duties of an Hereditary Officer, it shall be lawful for him to assign to such Deputy a fit remuneration from the rents and profits of the said office.

XV. And it is hereby enacted, that the terms "Hereditary District or Village, Office or Officers," "or Hereditary District or Village, Revenue Office or Officers," used in Regulation XVI., 1827, and Regulation V., 1833, of the Bombay Code, shall be held to apply to all descriptions of Hereditary Offices and Officers.

JUDICIAL LANGUAGE.

ACT No. XII. OF 1843.

[*Passed on the 29th July*, 1843.

1. In Decrees of Sudder Court, &c., the points to be decided, in the decisions, and reason thereof, injunctions for revision of Decrees, and orders for review of judgment, shall be written in English and signed by the Judges and afterwards translated into the vernacular language, &c.

2. Saves the operation of Regulations of Madras and Bombay Codes requiring specified Decrees to be written in English, &c.

3. Decrees, &c., of Principal Sudder Ameens, Sudder Ameens, or Moonsiffs shall be written in the vernacular language of such Principal Sudder and Sudder Ameen and Moonsiff, and (as the case may be) translated into the vernacular language of the Court.

An Act concerning the time at which and the language in which the decisions of the Judges in the Courts of the East India Company are to be written.

Extended by Act XV., 1850, to Moonsiffs. Extended by Act XXXIII. of 1854 to the decisions, sentences, and final orders of all officers acting judicially, and further provisions made.

Repealed by Act X., 1861.

MADRAS.—PUBLIC OFFICERS.

Act No. XIII. of 1843.

[*Passed on the 29th July*, 1843.

1. Repeals Regulations 2, 1809; 2, 1810; 6, 1818, and 8, 1822.

2. In case of imputation of official misconduct of an Officer subject to Sudr and Foujdaree Adawlut or Board of Revenue, and not removeable without sanction of Government, such Courts or Board may submit documents, &c., and charges, to the Governor in Council, for his consideration.

3. Charge or information may be made direct to the said Courts and Board, which may examine complainant on oath, &c., and require the accused to explain or reply, &c.

4. Charge, &c., may also be made before Judge, Magistrate or Collector, who shall examine complainant on oath, &c., and transmit deposition to the said Courts or Board respectively, &c.

5. The said Courts or Boards shall not act upon such charge, &c., unless the complainant makes oath, &c., that he believes it to be true.

6. The said Courts or Board may dismiss such charge, &c., when they do not see substantial reason for making further inquiry: but shall also submit the same to the Governor in Council, as provided in Section 2.

7. The said Courts and Board may require from the person preferring the charge, &c., security for its prosecution, and may stay proceedings until such security shall be given.

8. The said Courts and Board may act in any matter of the kind mentioned in the second Section which shall appear in the course of any proceedings or otherwise before them respectively, or institute inquiry upon oath, &c., for the purpose of such reference to the Governor in Council.

9. The Governor in Council, may appoint a Commissioner to make formal inquiry, if upon such reference, &c., he deem it necessary to institute proceedings against the Officer.

10. The Governor in Council, upon appointment of Commission, shal direct whether it shall be under the control of the said Courts and Board or of Government.

11. The Commissioners shall take an oath. Form of oath.

12. The Governor in Council shall determine whether the prosecution shall be left to the accuser or be undertaken on the part of Government, and if the latter, shall nominate persons to conduct the prosecution.

13. Commissioners, after receiving plaint, &c., shall call on accused for his reply, examine witnesses, receive documentary proofs and call for further evidence, &c.

14. Commission shall have the same powers as Zillah Courts, except that process, &c., shall be served and executed by the Zillah Judge.

15. At the close of the evidence, the accused and accuser may record observations in defence and support of prosecution respectively.

16. After their conclusion the Commissioner shall submit the proceedings, accompanied with translations of papers not in English, together with a summary of the pleadings and evidence and his opinion, to the Governor in Council, or (as the case may be) to the Controlling Court or Board.

17. The Governor in Council or Controlling Court or Board may direct the Commissioner to take further evidence or to give further explanations of his opinion, &c.

18. The said Courts or Board shall submit proceedings, &c., received by them, to Government, together with their opinion.

19. The Governor in Council shall determine whether the accused Officer shall be suspended, and if so, whether he shall draw his allowance or not.

20. The Governor in Council, on consideration of the report and proceedings submitted to him, will pass such decision as he may deem just, &c., and may direct public prosecution, &c. Proceedings under this Act not to affect the right of parties aggrieved to proceed against public Officer.

An Act for regulating inquiries into the truth of matters implicating the public conduct of officers not removeable without the sanction of Government within the Presidency of Fort St. George, in Madras.

Repealed by Act XXXVII., 1850.

NORTH WESTERN PROVINCES.—INTERNAL CUSTOMS.

ACT No. XIV. OF 1843.

[*Passed on 5th August*, 1843.

1. Repeals Regulation 16, 1829, Act II, 1838, part of Regulation 9, 1810, and other stated parts of other Regulations.

2. Fixes the Tariff of Customs upon the import and export of specified articles, viz., Salt, Cotton, Mizree, Kund, Chenee (Sugar), Goor, Rab, Sheerah, and Saccharine Produce.

3. The Government may make orders for the collection of the duties, to take effect from being notified in the Gazette.

4. Prohibits the manufacture of alimentary Salt without the express sanction of Government. Persons engaging in such manufacture, or preparing, &c., works for such manufacture, without such sanction, &c., shall be fined 500 Rupees, and on non-payment, imprisoned not exceeding six months. Illicit Salt Works, &c., to be destroyed and Salt in store seized.

5. Collectors of Customs and Land Revenue, may destroy Salt Works, seize the Salt in store, and apprehend persons concerned in its manufacture and send them to Magistrate for trial.

6. Sugar imported into the North Western Provinces, and all articles imported or exported without payment of the duties, &c, and all Boats, &c., used in transporting the same, may be seized and confiscated in manner specified.

7. Persons evading, &c., the payment of duties, or otherwise contravening this Act, may be fined not exceeding 500 Rupees, and on non-payment be imprisoned six months, &c.

8. Customs Officers may search Carriages, &c., upon reasonable grounds of suspicion that they contain prohibited articles, &c.

9. Officers making seizures shall report the same for the determination of the Commissioner of Revenue, who may declare articles seized to be confiscated, or impose lesser penalty.

10. Customs Officers may seize persons on reasonable grounds of suspicion that they are liable to punishment under this Act, and shall make them over for trial to the Magistrate.

11. Officers searching Carriages, &c., without reasonable grounds of suspicion, may be fined not exceeding 250 Rupees, and on non-payment be imprisoned not exceeding three months; and officers seizing persons without reasonable cause may be fined 500 Rupees, and on non-payment be imprisoned not exceeding six months.

12. All Magistrates, &c., or persons exercising the powers of Magistrates may receive, &c., charges under this Act, sentences under which shall be open to appeal, &c.

13. Enjoins Officers of Police, &c., to aid in the execution of this Act.

14. This Act not to apply to the Saugor and Nerbudda Territories or the District of Ajmere.

An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North Western Provinces of the Presidency of Bengal.

I. It is hereby enacted, that Regulation XVI., 1829, Act. II., 1838, and so much of Regulation IX., 1810, and of any other Regulation and Act, as affects the Collection of Customs Duties,

or the Manufacture of Salt in the North Western Provinces of the Presidency of Bengal, shall be repealed from the 1st day of September, 1843.

II. And it is further enacted, that from and after the day above-mentioned, the following and no other Duties of Customs shall be leviable upon the Import and Export of Articles into and from the North Western Provinces of the Presidency of Bengal, that is to say:—

On the import of Salt, of all descriptions, two Rupees per maund, and a further duty of one Rupee per Maund on the transmission thereof to the Eastward of Allahabad. [Repealed by Act XVI., 1848.]

On the Import of Cotton, uncleaned, four annas per Maund; cleaned, eight annas per Maund. [Repealed by Act XXXV., 1855.]

On the Export of Misree, Kund, Chenee and all clayed and refined Sugar, eight annas per Maund; Goor, Rab, Sheerah, and all unclayed and unrefined Saccharine produce, three annas per Maund.

The Import of Sugar into any part of the said Provinces, is and shall remain prohibited. [Repealed by Act XIX, 1854.]

III. And it is further enacted, that it shall be lawful for the Government of the said Provinces from time to time to make and issue such orders as may be deemed expedient for the Collection of the aforesaid Duties in such manner, and upon such line or lines, and at such places on or near such line or lines as may seem fit, and all such orders shall have the same force as if they formed a part of this Act from the date notified in the Gazette, wherein they shall be published.

IV. And it is further enacted, that from and after the First day of September, 1843, the manufacture of alimentary Salt throughout the North Western Provinces of the Presidency of Bengal without the express sanction of the Government, is prohibited; and that any person engaging in the manufacture of such Salt, or preparing or causing to be prepared works for the manufacture of such Salt, without such sanction, and all Zemindars or other proprietors of land, or their Agents, conniving at such illicit manufacture, shall, on conviction by the Magistrate, within the limits of whose District the offence may have occurred,

be punished by a fine not exceeding 500 Rupees, and on non-payment of such fine, by imprisonment not exceeding six months with or without hard labor, and that all works at which such manufacture shall have been conducted, or which are designed for such manufacture shall be destroyed, and any Salt which may be manufactured or stored thereat, shall be seized and confiscated. [By Act XXXVI., 1855, s. 9, the purification or refinement of impure Salt, obtained in the manufacture of Saltpetre, &c., shall be deemed a manufacture of Salt.]

V. And it is further enacted, that it shall be lawful for the Collectors of Customs and the Collectors of Land Revenue within their jurisdictions, to destroy all works for the manufacture of salt, and to seize the salt stored thereat and to apprehend the persons concerned in the manufacture thereof, and make them over for trial to the Magistrate within the limits of whose District the offence may have occurred.

VI. It is further enacted, that all sugar imported into the said provinces, and all articles imported or exported without payment of the duties imposed by this Act, or in contravention of the orders which may be made and issued under the provisions thereof, and all boats, carriages, and conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned.

VII. And it is further enacted, that all persons evading or attempting to evade the payment of the duties imposed by this Act, and all persons aiding or abetting such attempts or evasions, or in any manner acting in contravention of this Act, or of any order made and issued under the provisions thereof, and all Zemindars and other Proprietors of land, or their agents, who shall wilfully connive at such attempts or evasions or aid such acts, shall, on conviction by the Magistrate within the limits of whose District the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment thereof by imprisonment not exceeding six months with or without hard labor.

VIII. And it is further enacted, that it shall be lawful for all Officers of the Customs Department to search any carriages and conveyances and any packages upon reasonable grounds of suspicion that such carriages, conveyances or packages, contain any

articles made subject to duty or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof.

IX. And it is hereby enacted, that whenever any articles or goods shall be seized or detained under the provisions of this Act, the Collector or Deputy Collector of Land Revenue or Customs, within whose jurisdiction such seizure or detention shall occur, shall, with all practicable expedition, report the case for the determination of the Commissioner of Revenue, and it shall be lawful for such Commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit.

X. And it is hereby enacted, that it shall be lawful for all Officers in the Customs Department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the Magistrate within whose jurisdiction the offence may occur.

XI. Provided always, that any Officer of the Customs Department who shall without reasonable grounds of suspicion search any carriage or conveyance or any package, shall upon conviction thereof before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 250 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding three months; and provided also, that any Officer of the Customs Department who shall, under color of this Act, apprehend any person without reasonable grounds of suspicion that such person is liable to punishment under this Act, shall, upon conviction before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 500 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding six months.

XII. And it is hereby enacted, that all Magistrates, or persons exercising the powers of Magistrate, shall be competent to receive and determine all charges against persons thus made over to them for trial on account of offences against this Act, and that all sentences passed in pursuance of this Act, shall be open to appeal

under such Rules as may from time to time be laid down for the cognizance of appeals in ordinary cases.

XIII. And it is hereby enacted, that all Officers of Police, and all Officers of the Government engaged in the Collection of the Land Revenue, are empowered and required to aid and assist the Officers of the Customs Department in the execution of this Act.

XIV. And it is further enacted, that nothing in this Act contained shall apply or be deemed to apply to the Saugor and Nerbudda Territories, or to the District of Ajmere. [Repealed as respects the Saugor and Nerbudda Territories, by Act VII., 1864, s. 1.]

See Act XXXVI., 1855, An Act to empower Officers of Customs and Land Revenue to search houses and other enclosed places for contraband Salt in the North Western Provinces; and Act I., 1860, and Act XXXI., 1861, as to Saltpetre and Salt-duty.

BENGAL & N.W. PROVINCES.—UNCOVENANTED JUDICIAL AGENCY.

ACT No. XV. OF 1843.

[*Passed on the 5th August*, 1843.

1, 2 and 3. Local Governments may appoint in any Zillah, &c., one or more uncovenanted Deputy Magistrates, who (2) shall make a declaration according to Act XXI., 1837, and (3) may be employed as Judicial Officers, or of Police or both. As a judicial officer he shall exercise powers of a covenanted Assistant or Magistrate, &c., subject as to appeals to same orders as covenanted Assistant, &c., or Magistrate, &c.

4. Saves the right of uncovenanted Revenue or Judicial Officer to hold other office than that of Deputy Magistrate.

5. Deputy Magistrate under this Act not to be dismissed for misconduct without sanction of Local Government. Local Magistrate may report to Local Government the case of Deputy Magistrate with a view to his suspension and dismissal.

6. No Native, nor natural born subject, is by reason only of his religion place of birth, descent, or color, disabled from holding the office of Deputy Collector, &c.

An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.

Whereas the exigencies of the public service require that the Police and Criminal Branch of the Judicial Department should be strengthened by the more extensive employment of Uncovenanted Agency:

I. It is hereby enacted, that it shall be competent to the Local Governments of both Divisions of the Bengal Presidency to appoint in any Zillah or District one or more Uncovenanted Deputy Magistrates with the powers hereinafter specified.

II. And it is hereby enacted, that every person appointed to the Office of Deputy Magistrate under this Act, shall, previously to entering upon the execution of the duties of his Office, make and subscribe before the Magistrate of the District to which he may be appointed, a declaration according to Act XXI., 1837.

III. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall be capable of being employed as a Judicial Officer, or as an Officer of Police, or both, at the discretion of the Local Government. As a Judicial Officer he shall exercise the powers of a Covenanted Assistant under Regulations XIII., 1797; IX., 1807, or III., 1821, or the full powers of a Magistrate, according to such orders as may from time to time be issued in that respect by the Local Government; and in such cases he shall be subject to such authority in regard to Appeals from his decisions and judicial orders as is provided for the decisions and orders of a Covenanted Assistant under the above Regulations, or of a Magistrate respectively. As an Officer of Police, he shall be in all respects subordinate to the Magistrate under whom he may be placed; he shall exercise such powers as the Government, or the Magistrate, with the sanction of Government, may commit to him, and shall obey all orders that may be issued, and perform all duties that may be assigned to him by that functionary, who shall be at all times competent, subject to such orders as he may receive from the Local Government, to extend, limit, or resume the powers committed to such Deputy.

IV. And it is hereby enacted, that nothing in this Act contained shall be held to disqualify any Uncovenanted Officer in the Revenue and Judicial Departments, from holding at the same time with any other Office the Office of Deputy Magistrate.

V. And it is hereby enacted, that a Deputy Magistrate ap-

pointed under this Act, shall not be dismissed from office for misconduct, without the sanction of the Local Government. Whenever there may be reason to believe that a Deputy Magistrate is disqualified by neglect, incapacity or corruption for continuance in office, a report shall be submitted by the Local Magistrate for the consideration and orders of the Local Government which shall be competent to suspend him, and order a further enquiry into his conduct, or to direct his immediate dismissal as may appear just and proper.

VI. And it is hereby declared, that no native of the Territories subject to the Government of the East India Company, nor any natural born subject of Her Majesty resident therein is, by reason only of his religion, place of birth, descent, color, or any of them, disabled from holding the office of Deputy Collector under Regulation IX. of 1838.

By Act IV., 1851, the G. of Bombay in C. is empowered to appoint Uncovenanted Deputy Magistrates.

Act X., 1854, is an Act for regulating the Powers of Assistants to Magistrates and of Deputy Magistrates appointed under Act XV., 1843.

Repealed so far as it relates to powers of Deputy Magistrates or Judicial Officers by Act XVII., 1862.

BENGAL.—POLICE.

Act No. XVI. of 1843.

[*Passed on the* 12*th August*, 1843.

Repeals Sections II, III., Regulation IX., 1808, and Sections XVI., XVII., Regulation XVI., 1810.

An Act regarding the offering of rewards for the apprehension of offenders.

Whereas inconvenience has been experienced from the rules in force, which provide that Magistrates shall apply to the Courts of Sudder Nizamut Adawlut and the Courts of Circuits, or Courts exercising the powers of Old Courts of Circuit, when it may appear advisable to offer a reward for the apprehension of a known offender, or the discovery of unknown offenders in cases of magnitude:

And whereas it is expedient that all such applications should be made to such Officer or Officers as from time to time may be empowered by the Local Governments to authorise the grant of rewards:

It is hereby enacted, that Sections 2 and 3, Regulation IX., of 1808, and Sections 16 and 17, Regulation XVI., 1810, of the Bengal Code, be and the same are hereby repealed.

OFFICIAL TRUSTEES.

ACT No. XVII. OF 1843.

[*Passed on the* 19*th August*, 1843.

1. In all cases in which property is subject to any trust, and there is no Trustee willing or capable to act, the Supreme Court, on petition, may appoint the Registrar or other Officer of the Court, as Official Trustee in whom, when appointed, the property shall vest, &c.

2. Such Officer shall cause the property to be invested in Government Securities or otherwise as the Court may direct, and he shall be paid a commission of one per cent.

3. The Court may make orders respecting the property on petition, unless it directs a bill to be filed.

4. This Act not to prevent the re-transfer of the property to original Trustees, &c., as the Court shall direct.

5. Where Infant or Lunatic shall be entitled to Gift or Legacy, &c., the Executor, &c., may transfer the same to the Official Trustee, &c.

6. This Act, except as to the Commission, shall extend to property of Infants or Lunatics in the hands of Ecclesiastical Registrar as Official Administrator.

An Act for the appointment of Official Trustees in certain cases.

Whereas the property of Infants, Feme Coverts, and others vested in Trustees, is exposed to peculiar risks and burthens in the Territories subject to the Government of the East India Company, not only from the Insolvency of Trustees, but from the frequent difficulties occasioned by their death, or absence, or refusal or incapacity to act:

I. It is hereby enacted, that in all cases in which any property is subject to any Trust, and there shall be no Trustees willing to Act, or capable of acting within the jurisdiction of Her Majesty's Courts in the said Territories, it shall be lawful for

the Supreme Court of each of the Presidencies in the said Territories, on petition to appoint the Registrar, or such other Officer of the Court, as the Court may from time to time select, as the Official Trustee, under the provisions of this Act, to be a Trustee of such property, and that upon such appointment such property shall vest in such Officer and his successors in office, and shall be held by them upon the same Trusts as the same was held previous to such appointment.

II. And it is hereby further enacted, that such Officer shall cause such Property to be invested in Government Securities or otherwise, as the Court shall direct, and that he shall be entitled to a commission of one per cent. upon the amount thereof.

III. And it is hereby further enacted, that it shall be lawful for the Court to make any orders respecting such Property so vested in such Official Trustee or the interest or produce thereof, and that all such orders shall be made on petition unless the Court shall direct a bill to be filed.

IV. And it is hereby provided, that nothing in this Act contained shall prevent the re-transfer of the said property to the original or any subsequently appointed Trustees or otherwise, as the Court shall direct.

V. And it is hereby further enacted, that where any Infant or Lunatic shall be entitled to any Gift or Legacy, or Residue, or Share thereof, it shall be lawful for the Executor or Administrator, by whom such Legacy or Residue may be payable or transferable, or the party by whom such Gift shall be made, or any Trustee thereof, to pay or transfer the same to the Official Trustee appointed under this Act, and that the receipt of such Official Trustee shall be a discharge for the same, and that the same shall be subject to the like provisions as are contained in this Act, as to other Property vested in such Official Trustee under the provisions thereof.

VI. And it is hereby further enacted, that the provisions of this Act, except as to the Commission to be allowed under the same, shall extend to any Property of Infants or Lunatics in the hands of the Ecclesiastical Registrar of each of the said Courts as Official Administrator.

Extended by Act XIV., 1852, to the Straits' Settlements.

By Act VIII. of 1855, s. 15, Administrator General may be appointed Official Trustee.

Repealed by Act XVII., 1864, except as to pending proceedings, &c., and as to extension to Straits' Settlements.

THUGGEE AND DACOITY.

ACT No. XVIII. OF 1843.

[*Passed on the 9th September*, 1843.

The Local Government may authorise the reception and detention for the period specified, of persons sentenced to imprisonment or transportation for Thuggee, Dacoity, &c., in the Territories of any Native Prince, &c., if such sentence has been pronounced after trial before a tribunal in which a covenanted servant is one of the presiding judges, &c.

An Act for the better custody of persons convicted of Thuggee and Dacoity.

Whereas it often happens that the offence of Thuggee and Dacoity are committed by gangs, as well within the Territories subject to the Government of the East India Company, as in those of native Princes or States in alliance with the said Company, and it may be necessary for the safety of persons and property within the Territories subject to the Government of the East India Company, that persons convicted of the like offences within the Territories of such Princes or States, should be kept in secure custody, which cannot always be done within the last-mentioned Territories:

It is hereby enacted, that it shall be lawful for the Local Government of any part of the Territories subject to the Government of the East India Company, to authorize the reception and detention in any part of those Territories, for the periods specified in their respective sentences, of persons sentenced to imprisonment or transportation for the offences of Thuggee, Dacoity, or the offences of belonging to any gang of Thugs or Dacoits, within the Territories of any Native Prince or State in alliance with the said Company. Provided always that such sentences shall have been pronounced after trial before a tribunal, in which a covenanted servant of the East India Company, duly authorized in that behalf by such Prince or State, shall be one of

the presiding judges. And it is hereby enacted, that every servant of the East India Company so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.

Repealed by Act VIII., 1863.

REGISTRATION OF DEEDS.

Act No. XIX. of 1843.

[*Passed on the 28th October,* 1843.

1. Repeals Act No. 1, 1843, except so far as it repeals provisions touching knowledge or notice of the existence of unregistered instruments, &c.

2. Deeds of sale or gift of real property, if registered, shall invalidate other deeds of sale or gift which have not been registered, &c., and registered deeds of mortgage, and certificates of discharge of incumbrance shall be satisfied in preference to any other, &c.

3. No conveyance, &c., affecting title to land other than such deed or certificate as aforesaid shall be void for want of registration.

An Act for amending the law respecting the registration of certain Deeds.

Whereas doubts have risen as to the true meaning and construction of Act No. I. of 1843:

I. It is hereby enacted, that the said Act is repealed, except in so far as it repeals all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay Codes, touching the knowledge or notice had by parties to registered conveyances and other instruments affecting titles to land and other interests therein, of the existence of unregistered conveyances or other instruments affecting such titles or other interests therein.

II. And it is hereby enacted, that from the First day of May last past, every deed of sale or gift of lands, houses or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift for the same property which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed—and that from the said day every deed of mortgage on land, houses and other real property

as well as certificates of the discharge of such incumbrances, a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other mortgage on the same property which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage, any knowledge or notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding. Provided always that noting in this Section contained shall be construed to extend to any deed or certificate made before the said First day of May last past.

III. And it is hereby declared and enacted, that no conveyance or other instrument affecting title to land, or any interest in the same, whether made before or after the First day of May last past, other than such deeds or certificates as aforesaid, are or shall be in any respect void for want of registration, any Act, Regulation, or Law to the contrary notwithstanding.

Repealed by Act XVI., 1864.

THE GOVERNOR GENERAL.

ACT No. XX. OF 1843.

[*Passed on the* 30*th October*, 1843.

1. Governor General absent from Council may exercise all the powers except that of making Laws and Regulations which may be exercised by Governor General in Council.

2. Act to commence from notified day of Governor General having quitted Calcutta.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Expired.

EMIGRATION.—MAURITIUS.

ACT No. XXI. OF 1843.

[*Passed on the* 11*th November*, 1843.

1. Emigration to Mauritius after 1st January, 1844, to take place only under Act No. XV., 1842, from Calcutta.

2. Governor General in Council may nominate a Protector of Emigrants at Calcutta, and no Emigrant shall embark without a Certificate, &c., that he has been engaged as an Emigrant on the part of Government.

An Act for regulating the Emigration of Labourers from India to Mauritius.

Repealed by Act XIII., 1864.

TWENTY-FOUR PERGUNNAHS.—ZILLAH COURT

Act No. XXII. of 1843.

[*Passed on the* 18*th November*, 1843.

Repeals recited part of Section XVII., Regulation III., 1793.

An Act for amending the Law relating to the jurisdiction of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs.

Whereas by Section XVII., of Regulation III. of 1793, of the Bengal Code, it was, amongst other things, provided that the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs should not receive or entertain any suit whatever against a person who might be an inhabitant of Calcutta at the time the suit might be instituted, or might become a resident within the limits of the Town after the suit might be commenced :

And whereas inconvenience has arisen in consequence of persons escaping from the jurisdiction of the Dewanny Adawlut of the said Zillah of the Twenty-four Pergunnahs after suits have been commenced therein, and it is expedient to prevent such inconvenience :

It is therefore hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed.

BENGAL.—JURISDICTION OF ZILLAH COURTS.

Act No. XXIII. of 1843.

[*Passed on the* 18*th November*, 1843.

Repeals recited parts of Section 12, Regulation 2, 1803, and of Regulations extending the same.

An Act for amending the Law relating to the jurisdiction of the Zillah Courts in the Provinces ceded by the Nawaub Vizier, and in some other places.

Whereas by Section 12, of Regulation II. of 1803, of the Bengal Code, it was, amongst other things, provided, that the Zillah Courts in the Provinces ceded by the Nawaub Vizier to the Honorable the East India Company, should not entertain any suit whatever against any individual actually resident, or being within the limits of the Town of Calcutta unless such suit should relate to real property situated without the limits of Calcutta or to the Public Revenue:

And whereas so much of the said Regulation as is hereinbefore recited has been extended by other Regulations to other Provinces, Zillahs and Pergunnahs:

And whereas the provisions of the hereinbefore recited part of the said Regulation are inconvenient:

It is hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed, as well with regard to the Provinces ceded by the Nawaub Vizier to the East India Company, as to the other Provinces, Zillahs and Pergunnahs to which it may have been extended.

DACOITY.

ACT No. XXIV. OF 1843.

[*Passed on the* 18*th November*, 1843.

1 Persons proved to have belonged to any gang of Dacoits, &c., shall be transported for life, or imprisoned for any less term with hard labour.

2. Persons accused of Dacoity with or without murder, or of having belonged to a gang of Dacoits, or of the offence of receiving, &c., property stolen, &c., by Dacoity, may be committed and tried by any Court competent, &c.

3. On trial of offences specified in this Act no futwa shall be required.

An Act for the better prevention of the crime of Dacoity.

Repealed by Act XVII., 1862, and Superseded by the Indian Penal Code.

FOREIGN MANUFACTURES.

Act No. XXV. of 1843.

[*Passed on the* 23*rd November*, 1843.

Articles, &c , of Foreign Manufacture imported into the Territories of the E I. Co., bearing names, brands, or marks purporting to be of manufacturers resident in the United Kingdom, shall be forfeited.

An Act for making the provisions of 5 and 6 Vic., C. 47, Sec. XI., applicable to India.

Repealed by Act VI., 1863.

MADRAS.—NABOB OF THE CARNATIC.

Act No. I. of 1844.

[*Passed on the* 20*th January*, 1844.

1. The Governor in Council may publish lists of the names of persons belonging to the family, &c., of His Highness the Nabob of the Carnatic and Regent for the time being, who are exempted from Civil and Criminal process.

2. No writ or process shall be sued out or executed against the person or property of any person named in such list without the consent of the Governor in Council.

3. The Governor in Council to furnish copies of such list to the Governor General of India in Council, &c.

4. This Act not to be considered as explanatory or as enlarging or restricting the operation of any Treaty, and all privileges, &c., belonging to the Nabob, &c , under any Treaty to be enjoyed and held independently of this Act.

An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, his family and Retinue.

Continued by Act XXIV., 1858, to the family, &c., for 6 months after death of the Nabob (who is since deceased). Act XXX., 1858, is an Act to provide for the administration of his estate; and Act XXXVII., 1858, relates to the privileges and immunities of his family.

APPEALS TO HER MAJESTY IN COUNCIL.

Act No. II. of 1844.

[*Passed on the* 17*th February*, 1844.

1. In cases of Appeal to the Queen in Council from the Courts of Sudder Dewanny Adawlut, the expense of preparing two copies of all the proceedings

and including the evidence and documents, and of translating the same shall be defrayed by the appellants.

2. The said Courts to require a deposit by the appellant for such expense, and until deposit made, the Appeal not to be admitted.

An Act respecting the expenses of preparing copies of Proceedings in Appeals :

Whereas it is just and necessary that the expense of preparing copies in the English Language of the proceedings in cases appealed to the Queen in Council, as now required by Section 5, Regulation XVI., 1797, and Section 34, Regulation V., 1803, of the Bengal Code, Section 5, Regulation VIII. of 1818, of the Madras Code, and Clause 6, Section 1000, of Regulation IV. of 1827, of the Bombay Code, should be borne by the parties prosecuting those Appeals :

I. It is hereby enacted, that in all cases of Appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay, and at Allahabad, the expense of preparing two copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English Language such of the aforesaid proceedings, as may have been originally drawn out in the country languages, shall be defraying by the parties prosecuting the Appeal.

II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to cause the deposit by the Apellant within the time allowed for furnishing Security for costs of Appeal of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the Appeal admitted, and to give notice thereof to the Appellant and Respondent respectively.

CORPORAL PUNISHMENT.

ACT No. III. OF 1844.

[*Passed on the 2nd March*, 1844.

1 and 2. Modifies clause 1, Section 2, Regulation 2, 1834. Magistrate may sentence to 30 stripes of a ratan, for thefts not exceeding in value 50 rupees:

and (2) offenders of tender years, for same offences, to ten stripes with a light ratan.

3. No female to be subject to corporal punishment, and no other punishment to be superadded, and such punishment always to be inflicted in presence of Magistrate.

An Act for legalizing the infliction of Corporal Punishment in cases of Petty Larceny generally, and when committed by offenders of tender age.

Repealed by Act XVII., 1862. But Act VI., 1864, revives Corporal Punishment for specified cases.

BENGAL POLICE.

Act No. IV. of 1844.

[*Passed on the 2nd March,* 1844.

Repeals Regulation 9, 1808.

An Act for repealing Regulation IX. of 1808, of the Bengal Code.

Whereas the provisions of Regulation IX. of 1808, of the Bengal Code "for the apprehension of persons concerned in the offence of Gang Robbery, and especially the Sirdars or Leaders of Gangs of Dacoits," have, by reason of their extreme severity, become nearly obsolete:

It is hereby enacted, that the said Regulation be repealed.

PRIVATE LOTTERIES.

Act No. V. of 1844.

[*Passed on the 2nd March,* 1844.

1. Declares Lotteries not authorized by Government to be common and public nuisances.

2 Any person publicly or privately keeping any office, &c., for the purpose of drawing any such Lottery, &c., shall, on conviction, be fined not exceeding 5,000 Rupees.

3 and 4 Any person who shall under any pretence, device, &c., agree to pay any sum or to deliver any goods or to forbear doing any thing for the benefit of another, with or without consideration, on any contingency of drawing any ticket, &c., or who shall publish any proposal of the kind shall, on conviction, be fined not exceeding 1,000 Rupees; (4) half to the use of Goverment, half to the informer.

An Act for the suppression of all Lotteries not authorized by Government.

Whereas great mischief has been found to result from the existence of Lotteries:

I. It is hereby enacted, that in the Territories subject to the Government of the East India Company, all Lotteries not authorized by Government, shall, from and after the 31st day of March, 1844, be deemed, and are hereby declared common and public nuisances and against Law.

II. And it is hereby enacted, that from and after the day aforesaid, no person shall, in the said Territories, publicly or privately, keep any office or place for the purpose of drawing any Lottery not authorized by Government, or shall have any such Lottery drawn, or shall knowingly suffer any such Lottery to be drawn in his or her house; and any person so offending shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 5,000 Rupees.

III. And it is hereby enacted, that from and after the day aforesaid, no person shall under any pretence, device, or description whatsoever, agree to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number, or figure, in any such Lottery, or shall publish any proposal for any of the purposes aforesaid, and any person offending in any of the matters mentioned in this section shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 1,000 Rupees.

IV. And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied one-half to the use of Government, and the other half to the use of the Informer or Informers.

MADRAS.—TRANSIT AND IMPORT AND EXPORT DUTIES.

ACT No. VI. OF 1844.

[*Passed on the* 16*th March*, 1844.

1 Repeals such parts of Regulation 10, 1803; 1, 3, and 6, 1812; Regulation 3, 1821, and of any others as impose Inland, Transit and Town Duties.

2. Repeals Regulation 9, 1803, except Sections 55 to 70 inclusive; Regulation 11, 1803; Regulation 14, 1808; Regulation 15, 1808; except Section 5; Regulation 2, 1812, except Sections 15 and 17; Regulation 4, 1812; such parts of Regulation 1, 1813, as relate to rates of Spirits Duties and Drawback; Regulation 2, 1816; Regulations 2 and 3, 1818; Regulations 4 and 7, 1819, with their Schedules, except so far as they rescind other Regulations, and all other provisions imposing Sea Custom Duties.

3. Preceding Sections not to prevent the levy of any Municipal Tax or any Toll on any Bridge, &c., for repair, &c., of same, nor Light-house fees of same nature.

4 and 5. Duties on Imports by sea to be according to rates specified in Schedule A. Duties upon Exports to be according to rates specified in Schedule B.

6. Duties on Goods passing by land into or out of Foreign European Settlements, &c., to be at the same rates as Goods imported or exported on Foreign Bottoms, &c.

7. The Governor in Council may declare the Territory of any Native Chief, not subject to the Madras Presidency, to be Foreign Territory for the purpose of levying Duties under this Act.

8. Customs Chokees may be eutablishhd for the levy of Duties on Goods passing into or out of Foreign Territories. Officers at such Chokees may examine Goods, &c., and Goods shall not pass until the person in charge shall produce a Certificate, showing that the Duty has been paid.

9. The Governor in Council may appoint Officers to collect Duties, and grant Certificates, which shall entitle Goods to pass the Frontier, and if Goods brought to any Chokee do not correspond with the Certificate, the difference shall be noted on the Certificate, and the Goods shall not pass without a further Certificate.

10. The Governor in Council shall give notice of the appointment of Officers to receive Duties on the Frontier, and such Officers shall grant Certificate on receipt of Duties.

11. No Certificate shall be received at any Chokee more than thirty days after date. Customs Officer may grant a new Certificate within the thirty days if satisfied that the original one has not been used

12. The Governor in Council may prescribe by what routes Goods may cross the land Frontier; and goods brought by other routes shall be liable to detention or confiscation, unless the Collector shall be satisfied that they were carried by wrong route through ignorance or accident.

13. Goods crossing Frontier between sunset and sunrise, or clandestinely, to be seized and confiscated.

14. Chokee Officer permitting Goods to pass Frontier without Certificate or by prohibited route to be liable to imprisonment not exceeding six months, and fine not exceeding 500 Rupees, commutable (if not paid) to further imprisonment for six months.

15. Chokee Officer needlessly and vexatiously injuring Goods under pre-

tence of examining them, or wrongfully detaining them, to be liable to imprisonment not exceeding six months, and fine not exceeding 500 Rupees, commutable (if not paid) to further imprisonment for six months.

16. Goods imported by sea from any Foreign European Settlement in India, or from any Native State declared Foreign under Section 7, shall be subject to Duties in Schedule A.

17. No Goods to be exempted from Specified Duties, except by order of Governor in Council. Baggage in actual use may pass free of Duty.

18. Goods may be imported Duty free from one Port to another under specified Certificate.

19. If Goods on which Duties have been paid at any Port within the Territories of E I. C. are imported at any Madras Port, credit may be given at the latter port for such duties.

20, 21, 22, and 23. The Governor in Council may fix the value of articles liable to ad valorem Duties : (21) but Duties to be levied according to market value, if no such valuation has been made by Governor in Council: (22) and the Market value including that of packages, shall be declared by the person applying to have the Goods passed; which application shall set forth the name of the Ship, &c., (23) and Goods deemed by the appraising officer to be undervalued may be taken at valuation by Collector and shall be paid for in 15 days, after deducting duty, &c.

24. The Governor in Council may declare what shall be landing and shipping ports, and Goods landed, &c., elsewhere shall be seized and confiscated.

25. The Master of Vessel on arrival shall deliver or send Manifest of Cargo in form C. Governor in Council may in specified case fix place beyond which inward bound Vessels, except country craft, &c., shall not pass until Manifest has been forwarded.

26. Master to be liable to a fine of 1,000 rupees if Manifest does not contain a full and true specification, and Goods in excess, &c., of Manifest to be charged with double or increased duties.

27. Master of inward bound Vessel remaining below the place fixed for delivering Manifest shall deliver it to person authorized to receive it. Master liable to fine not exceeding 1,000 rupees, if he refuses to deliver Manifest after lying 24 hours at anchor, and no Entry or Port Clearance shall be given until fine is paid.

28. No vessel shall break bulk until the Collector has received the Ship's papers.

29. No Goods shall leave the Vessel until the Vessel is entered and order is given for discharge of Cargo Goods removed, &c., in contravention hereof to be seized as contraband. After such entry, Cargo may be landed according to prescribed forms and rules.

30. If Cargo falls short of Manifest, or is landed elsewhere than at prescribed place, the Master may be fined not exceeding 500 rupees for missing packages of unknown value, and double duty on goods the duty on which can be ascertained.

31. One or more landing and shipping places shall be appointed, and goods landed or shipped elsewhere shall be seized and confiscated.

32. The Governor in Council may, for security of Customs, license Cargo Boats, &c., for landing and shipping Cargo, and Goods landed, &c., except by special permit at others, may be confiscated.

33 and 34 The Collector may send Officer on Board at any port at which there is a Custom House Establishment: and (34) Master refusing to receive and accommodate such Officer, &c., may be fined not exceeding 100 rupees a day.

35. Collector may direct vessel to be searched, issue warrant, and Officer may require Cabins, &c., to be opened, &c., and Goods found concealed, &c., may be confiscated; and Master, &c., resisting Officer may be fined 1,000 rupees

36. Master removing from ship, or putting on board, Goods between sun-rise and sun-set, &c., may be fined not exceeding 500 rupees.

37. Export cargo boats without permits shall not lie along side vessel on which a Customs Officer is stationed: cargo in such boats to be confiscated.

38. With each separate despatch of Goods from Vessel having a Custom's Officer on board, a Boat Note shall be sent, specifying number and marks of packages, Goods without Note, or out of the track between the vessel and landing place may be confiscated.

39. Goods brought to the Custom House to be passed if not corresponding with the description given of them in the application, &c., may be confiscated.

40. If Goods after being landed are removed, &c., with the intention of defrauding the revenue, they may be confiscated, unless it was done without the sanction of the owner.

41. The Collector may require Goods brought by sea and stowed in bulk to be weighed or measured, and may levy duty according to result.

42. Repeals Clause 2, Section 11, Regulation I., 1805.

43, 44, and 45. The price paid for Salt sold under the orders of the Governor in Council for consumption in the Madras Presidency, shall be one rupee eight annas for every maund of 3,200 tolas; but (44) the Governor in Council may remit part of the price if he deems it expedient, and (45) Salt purchased at full price may be passed into the interior without the levy of further duty.

46 and 47. When Customs Officer is sent on Board Vessel not exceeding 600 Tons, 20 days, exclusive of Sundays and holidays, shall be allowed for discharge of export, and 30 days of import Cargo: beyond which period the Master shall pay the wages of the Officer: and (47) if no Customs Officer is on board, the Collector shall fix a period not less than the above. Goods remaining on Board after that period may be landed at Custom House by order of Collector for security of Duties, &c. Goods in Custom House not cleared in 3 months may be sold for Duties, &c.

48. Beyond the 20 days allowed for discharging inward Cargo, 15 shall be allowed for shipping outward Cargo, if the Vessel does not exceed 600 Tons, and 20 days if it does exceed 600 Tons, or 20 and 30 days shall be allowed in specified cases in lieu of the 15 and 20.

49. Master putting Goods on board after removal of officer and before he is placed on board again, shall be fined not exceeding 1,000 rupees, and Goods may be relanded at expense of shipper.

50. Port Clearance shall be granted to Master of Vessel on certificate of all Port, Charges, &c., having been duly discharged.

51. Goods passed through the Custom House upon application made after Port Clearance shall pay double duty, or if duty free, 5 per cent. on value, &c.

52. If Vessel has put back from stress of weather, &c., and the Cargo has to be unshipped, a Custom House Officer shall go on board and take charge of Cargo. Owner may land the Goods under the rules for the importation of Goods, and the export duty shall be refunded.

53. Duty on Goods relanded before the lading is complete to be refunded, but not if relanded after grant of Port Clearance, unless the vessel put back from stress of weather or damage.

54 The Governor in Council may establish rules for the anchoring of coasting and country craft, delivery of manifests of cargo of such craft, &c.; and persons contravening such rules to be fined not exceeding 100 Rupees for each offence.

55. Pattamars, Dhonies, &c., from the Maldives and Laccadives, Kuttywar, and Cutch, to be treated as country craft if they conform to regulations, &c.

56. No drawback to be allowed on Goods shipped on native craft specified in last Section.

57. Goods re-exported without being unshipped or transhipped shall not be subject to import or export duty. Goods transhipped shall be liable to same duty as if passed through the Custom House and re-shipped in same ship as brought them.

58. No transhipment of goods to be made except under special order of Collector on penalty of confiscation.

59. Officer of Customs shall superintend the removal of Goods from vessel to vessel.

60. The Collector to judge when goods are liable to confiscation.

61. Collector may refuse Port Clearance, until fines incurred by person in charge of vessel have been paid.

62. Collector may decide that a seizure of goods was vexatious, &c., and adjudge damages to party aggrieved, and order release of goods; if damages adjudged are accepted, no action shall lie against seizing Officer. Collector may mitigate the penalty of confiscation to the extent of levy of double duty, and may distribute half the proceeds of sale of confiscated goods to seizing Officers.

63 Officers of Customs to be amenable to the Civil Courts, except Collector in respect of Judicial award under this Act.

64. Persons obstructing Officers exercising powers under this Act, to be imprisoned not exceeding 6 months, or fined not exceeding 1,000 Rupees or both.

65. Officer accepting, &c., any consideration for doing, &c, any official act, shall be imprisoned not exceeding 2 years, or fined or both.

66. Officer concerned in defrauding the Customs Revenue, shall be imprisoned not exceeding 2 years, or fined, or both.

67. Persons, not being Officers, who shall exact customs or duties, &c, shall be imprisoned not exceeding 2 years, or fined, or both, and be liable to damages at suit of party aggrieved.

68. Governor in Council may transfer the powers of Collector of Customs to any other functionary; may make rules, &c, establish wharves; fix rates of Wharfage and rent, &c.

Schedules A. B. C.

An Act for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by Sea, and for determining the price at which Salt shall be sold for home consumption within the Territories subject to the Government of Fort St. George.

I. It is hereby enacted, that from the First day of April, 1844, such parts of Regulation X. of 1803, Regulation I. of 1812, Regulation III. of 1812, Regulation VI. of 1812, and Regulation III. of 1821, of the Madras Code, and all such parts of any Regulations of the said Code as prescribe the levy of Transit or Inland Customs Duties at any Town or Place within the limits of the Presidency of Fort St. George, shall be repealed.

II. And it is hereby enacted, that Regulation IX. of 1803, with exception of Sections 55 to 70, both inclusive; Regulation XI., 1803, Regulation XIV. of 1808, Regulation XV. of 1808, with exception of Section 5; Regulation II. of 1812, with exception of Sections 15 and 17; Regulation IV. of 1812, and such parts of Regulation I. of 1813, of the same Code as relate to the rates of Duty and Drawback on Spirituous Liquors imported or exported by Sea, also Regulation II. of 1816, Regulation II. of 1818, Regulation III. of 1818, Regulation IV. 1819, and Regulation VII. of 1819, together with the Schedules appended thereunto, excepting in so far as any of these Regulations rescind any former Regulations, either in part or in whole of the Madras Code, and likewise the Provisions of any kind contained in the foregoing or in any other Regulations of the Madras Code, for fixing the amount of Duty to be levied on Goods Imported or Exported by Sea at any place within the limits of the Presidency of Fort St. George, or the Drawback payable on the same, shall be repealed

III. Provided always, that nothing contained in the two pre-

ceding Sections of this Act shall be construed to prevent the levy of any Municipal Tax, or of any Toll or any Bridge, Road, Canal, Pier or Causeway, for repair and maintenance of the same, or of any fee for the erection or maintenance of Light Houses.

IV., V., VI. Repealed by Act VII., 1859.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by notice to be published in the Gazette of that Presidency, that the Territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil authorities of that Presidency, shall be deemed to be Foreign Territory, and to declare Goods passing into or out of such Territory liable either to the duty fixed for British or for Foreign Bottoms, as the said Governor in Council may think fit.

VIII. And it is hereby enacted, that for the levy of Duties of Customs as above provided on Goods exported by Land to or imported by Land from such Foreign Territories, Customs Chokees may be established at such places as may be determined by the said Governor in Council, and every Officer at every such Chokee shall have power to detain Goods passing into or out of any such Foreign Territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the Frontier line out of or into the Territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a Certificate showing that the Customs Duty leviable thereupon has been paid in full.

IX. And it is hereby enacted, that it shall be lawful for the said Governor in Council, to appoint such Officers as he may think fit to receive money on account of Customs Duties, and grant Certificates of the payment thereof, and that such a Certificate being delivered to any Chokee Officer shall entitle Goods to cross the frontier into or out of the East India Company's Territories, provided that the Goods correspond in description with the specification thereof contained in such Certificate, and that the Certificate show the entire amount of Duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Chokee be found not to correspond with the specification entered in the Certificate presented with the same, the difference shall be noted on the face of the Certificate, and

if the payment of duty certified therein shall not cover the entire amount of Duty leviable on the Goods as ascertained at such examination, the Goods shall be detained until a further Certificate for the difference shall be produced.

X. And it is hereby enacted, that the said Governor in Council shall give public notice in the Official Gazette of the Presidency of Fort St. George of the appointment of every Officer appointed to receive Customs Duties on Goods crossing the land frontier of the said Foreign Territories, and the Officers so appointed shall on receipt of money tendered as Customs Duty be bound to give to any Merchant or other person applying for the same a Certificate of payment, and to enter therein the specification of Goods, with the values and description thereof, according to the statement furnished by the person so applying; provided only that the proper Duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

XI. And it is hereby enacted, that no Certificate shall be received at any Chokee that shall bear date more than thirty days before the date when the Goods arrive at the Chokee. Provided, however, that any person who has taken out a Certificate from any authorized receiver of Customs Duties, shall at any time within the said period of thirty days, on satisfying such receiver that such Certificate has not been used, and on delivering up the original, be entitled to receive a renewed Certificate, with a fresh date, without further payment of Duty.

XII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe by public notice in the Official Gazette of the Presidency of Fort St. George by what routes Goods shall be allowed to pass into or out of any such Foreign Territory, as is described in Sections 6 and 7, of this Act, and after such notice shall be given, Goods which may be brought to any Chokee established on other routes or passes than those so prescribed, shall, if provided with a Certificate, be sent back; and if not provided with a Certificate shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that route was from ignorance or accident.

XIII. And it is hereby enacted, that goods which may be passed, or which an attempt may be made to pass across any

frontier guarded by Chokees between sun-set and sun-rise, or in a clandestine manner, shall be seized and confiscated.

XIV. And it is hereby enacted, that any Chokee Officer who shall permit Goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit Goods to pass by any prohibited route, shall be liable, on conviction before the Collector of Customs, to imprisonment for a term not exceeding six months, and to fine not exceeding Five Hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XV. And it is hereby enacted, that if any Chokee Officer shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or shall wrongfully detain Goods for which there shall be produced a sufficient certificate, such Officer shall, on conviction before the Collector of Customs, or before any Magistrate or Joint Magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding Five Hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that all Goods imported by Sea into any port of the Presidency of Fort St. George from any Foreign European Settlement in India, or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Fort St. George, under Section 7 of this Act, to be subject to the duties levied on Foreign Bottoms, shall be liable to the same Duties as are imposed by Schedule A. on imports on Foreign Bottoms.

XVII. to XLI. Repealed by Act VI., 1863.

XLII. And it is hereby enacted, that Clause 2, Section 11, of Regulation I. of 1805 of the Madras Code shall be repealed.

XLIII. And it is hereby enacted, that the price to be paid by the purchasers of Salt to the Government of the Presidency of Fort St. George for Salt that may be manufactured and sold under the orders of the Governor in Council for consumption within the Territories subordinate to the Presidency of Fort St. George, shall subsequent to the date specified in Section 1 of this Act, be One Company's Rupee and Eight Annas for every maund of 3,200 tolas weight of Salt. [Altered by Act XIX., 1866, s. 1, and Act XIX., 1866. Repealed by Act XXXIV., 1867.]

XLIV. And it is hereby enacted, that it shall be competent to the Governor General of India in Council to grant a remission of the price specified in the last preceding Section of this Act in cases in which it may appear that the grant of such remission is expedient.

XLV. And it is hereby enacted, that on application by the Exporter of any Salt that has paid the full price fixed to be paid for Salt sold for home consumption under the provisions of Section 43 of this Act, a certificate shall be granted by the Collector of Customs at the place of export, under authority of which certificate the quantity of Salt specified therein shall be landed at any other port of the said Presidency of Fort St. George, and shall be passed from such port under the proper passes applicable to the free passage of Salt into the interior without the levy of any further Duty of Customs.

XLVI. to LXVIII. repealed by Act VI., 1863.

Act VII., 1859, repeals the Schedules to which Sections 4, 5, and 6, alone relate. Act VI., 1863 (The Consolidated Customs Act), repeals Sections 17 to 41, and 46 to 68, also the printed matter under Schedules A and B., and repeals Schedule C. The Export and Import Duties, except of Salt and Opium, are levied under Act XVII., 1867.

SCHEDULE A.

Rates of Duty to be charged on Goods Imported by Sea into any Port of the Presidency of Fort St. George.

No	Enumeration of Goods	When Imported on British Bottoms	When Imported on Foreign Bottoms
20	Opium - - - -	24 Rs per Seer of 80 Tolas - -	24 Rs per Seer of 80 Tolas.
21	Salt - - - -	3 Rs per Maund of 80 Tolas to the Seer.	3 Rs per Maund of 80 Tolas to the Seer

Schedule A. repealed by Act VII., 1859, except as to Opium (No. 20), and Salt (No. 21); and differences between British and Foreign Bottoms repealed by Act VI., 1848. The repealed parts of the Schedule are omitted.

SCHEDULE B.

Rates of Duty to be charged on Goods Exported by Sea from any Port or Place in the Presidency of Fort St. George.

No.	Enumeration of Goods.	Exported on British Bottoms.	Exported on Foreign Bottoms.
12	Salt, having paid the price fixed to be paid on Salt declared for exportation to Ports or Places not being subordinate to the Presidency of Fort St. George.	Free - - -	Free.
14	Opium, not covered by a Pass	Prohibited - -	Prohibited.

Section B. repealed by Act VII., 1859, except as to Salt (No. 12) and Opium (No. 14). Differences between British and Foreign Bottoms were repealed by Act VI., 1848. The repealed parts of the Schedule are omitted.

COMPETENCY OF WITNESSES.

Act No. VII., of 1844.

[*Passed on the 6th April,* 1844.

1. Within the local jurisdiction of Her Majesty's Courts, no person shall be excluded from giving evidence either in person or by deposition by reason of crime or interest. But this Act not to render competent any party to any suit, &c., or any person on whose immediate behalf any action is brought or defended. This Act not to repeal Act 25, 1838; nor to prevent any defendant in Equity from being examined as a witness for plaintiff or co-defendant, &c.

2. Act not to apply to pending proceedings

An Act for improving the law of Evidence.

Partially Repealed by Act XV., 1852, and the Law relating to competency of witnesses now provided for by Act II., 1855, entitled An Act for the further improvement of the Law of Evidence.

NATIVE MILITARY CONVICTS.

Act No. VIII. of 1844.

[*Passed on the 9th April,* 1844.

Any Native Officer or Soldier, or Camp Follower, belonging to the Forces of the East India Company, being a Prisoner under Sentence of Court Martial,

the Governor or Governor in Council may order his removal from one prison to any other prison in the same Presidency; the time employed in his removal to be deemed part of the term of his imprisonment.

An Act to authorize the Governments of Fort William in Bengal, Fort St. George and Bombay, to remove Native Officers, Soldiers and Followers imprisoned under Sentence of a Court Martial from one Prison to another.

Repealed by Act VII., 1850.

PRINCIPAL SUDDER AND SUDDER AMEENS.

Act No. IX. of 1844.

[*Passed on the* 13*th April*, 1844.

1, 2. All suits within the competency of a Principal Sudder or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those Officers. But (2) Zillah or City Judge may withdraw them and try them himself or refer them to any other competent Court subordinate to him.

3. Zillah or City Judge shall assign to the Principal Sudder or Sudder Ameen attached to his Court, if more than one of them, &c., the several Moonsiffs' divisions which shall constitute their respective special jurisdiction: and such Principal Sudder Ameen to have cognizance of all suits mentioned in Section of this Act.

4. Zillah or City Judge to receive Summary Appeals from orders of Principal Sudder or Sudder Ameen rejecting any original Suit cognizable by him.

5. The same stamp to be sufficient in any other Court as in that of Sudder Ameen, for the like cause.

An Act for authorising the institution of suits in the Courts of Principal Sudder Ameens and Sudder Ameens.

I. and II. Repealed by Act X., 1861, and Superseded by Act VIII., 1859, the Code of Civil Procedure.

III. And it is hereby enacted, that whenever there shall be more than one Principal Sudder Ameen, or more than one Sudder Ameen attached to the Court of any Zillah or City Judge, and nothaving any special local jurisdiction, it shall be the duty of such Judge to appoint from time to time the several Moonsiffs' divisions which shall constitute the special local jurisdiction of each of such Principal Sudder Ameens and Sudder Ameens, and that each of such Principal Sudder Ameens and Sudder Ameens shall be empowered to take cognizance of all such suits as are mentioned in Section I. of this Act, provided the landed or other

real property to which the suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the suit may be commenced shall reside as a fixed inhabitant within the limits of such local jurisdiction as aforesaid.

IV. and V. Repealed by Act X., 1861, and Superseded by Act VIII., 1859, the Code of Civil Procedure.

SENTENCES FOR MURDER.

ACT NO. X. OF 1844.

[*Passed on the* 11*th May*, 1844.

Recites Statute 9, Geo 4, Cap. 74, and enacts, (1) that the recited enactment shall cease to have effect, and (2) that sentence of death may be pronounced after convictions for murder in the same manner, &c., as after convictions for other capital offences.

An Act to amend the Law respecting the period of the Execution of persons convicted of the crime of Murder.

Whereas by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled an Act for improving the Administration of Criminal Justice in the East Indies, it was amongst other things enacted, that every person convicted of murder should be executed according to law on the day next but one after that on which the sentence should be passed, unless the same should happen to be Sunday, and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every murder, unless the Court should see reasonable cause for postponing the same, and such sentence should express not only the usual judgment of death but also the time thereby appointed for the execution thereof: and it was by the said Act provided that after such sentence should have been pronounced it should be lawful for the Court or Judge to stay the execution thereof if such Court or Judge should so think fit: and whereas for the ends of justice, and especially more effectually to preserve from an irrevocable punishment, any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Act in these respects:

I. It is therefore hereby enacted, that from and after the

passing of this Act so much of the said Act as is hereinbefore recited shall cease to have effect within the Territories subject to the Government of the East India Company.

II. And it is hereby further enacted, that from and after the passing of this Act, sentence of death may be pronounced after convictions for murder by any Judge of any of Her Majesty's Courts of Justice within the Territories subject to the Government of the East India Company in the same manner, and the Judge shall have the same power in all respects as after convictions for other capital offences.

BENGAL.—SUPREME COURT.

Act No. XI. of 1844.

[*Passed on the* 18*th May*, 1844.

1. When occasion shall require, any one of the Judges of the Supreme Court may sit apart for the despatch of Criminal business at same time that the other Judges are sitting for despatch of business in Supreme Court.

2. Court may transact same business in Vacation as in Term, subject to same Rules and Orders as term proceedings.

An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.

I. It is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the judges of the Supreme Court of Judicature at Fort William in Bengal, when occasion shall so require, to set apart from the other judges or judge, as the case may be, of the same Court for the despatch of the criminal business of the said Court, at the same time when the other judges or judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before such judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the law to all intents and purposes as fully as if the said proceedings were had before all the judges of the said Court sitting as a Court of Oyer and Terminer and Gaol delivery under the Charter of the said Court.

II. And it is hereby further enacted, that all business of what

nature or kind soever which the said supreme Court of Judicature at Fort William in Bengal may or shall have power to transact in Term, it shall in like manner have power to transact out of Term and that all proceedings whatsoever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

Superseded by the appointment of the High Court under Letters Patent.

INDIAN NAVY.

ACT No. XII. OF 1844.

[*Passed on the 25th May*, 1844.

1. Recites the Statue, 3 and 4 W. 4, C. 85, Section 43, &c., and 3 and 4 Vic., Chap. 37, &c.

Enacts the following articles for the Indian Navy :—

(1.) All Captains, &c., to cause public worship according to the Liturgy to be performed in their Ships on the Lord's Day

(2.) All Officers, &c., guilty of profane Oaths, &c., Drunkenness, &c., shall be punished by Court Martial.

(3.) Any Officer, &c., giving, &c., intelligence to any Enemy, &c., shall be punished by Court Martial with death, or minor punishment.

(4.) Any Officer, &c., receiving from any Enemy, &c., any letter or message, and not within 12 hours acquainting his Superior Officer, &c., shall be punished by Court Martial with death, or minor punishment.

(5.) All Spies, &c., coming within the Territories under the East India Company to bring seducing letters, &c., from any Enemy, &c., or to endeavour to corrupt any Officer, &c., shall be punished by Court Martial with death, or minor punishment.

(6.) No person belonging to Indian Navy shall relieve an enemy with Money, &c., upon pain of death, or other punishment.

(7.) Papers, Charter Parties, &c., seized aboard Prizes shall be sent to the Court of Admiralty or other Prize Court, or in default thereof offender to forfeit his Share of the Capture, &c.

(8.) No person in the Indian Navy shall take out of any Prize, any Money, &c., except for necessary security, before the capture shall be adjudged lawful, upon pain of forfeiting his Share of the Capture, &c.

(9.) Officers, &c., on board captured Vessel shall not be stripped, or pillaged, &c.

(10.) Superior Officer upon Signal of fight, or sight of enemy, not preparing for fight &c., or cowardly crying for quarter, &c., shall suffer death or other punishment.

(11.) Every person not duly observing orders for assailing or joining battle with any Fleet, &c., or not obeying orders in time of action, shall suffer death or minor punishment.

(12.) Every person, through cowardice, &c., in time of action, withdrawing or keeping back, &c, shall suffer death or minor punishment.

(13) Every person, through cowardice, &c., forbearing to pursue chase of any Enemy beaten or flying, or not assisting known friend, &c., shall suffer death or minor punishment.

(14.) Any person delaying or discouraging any action or service when commanded, upon pretence of arrears of wages, &c., shall suffer death or minor punishment.

(15.) Persons deserting to the Enemy, &c, or running away with Ship, &c., or yielding up the same to Enemy, shall suffer death or minor punishment.

(16.) Deserters and persons enticing others to desert shall suffer death or minor punishment Officers receiving deserter, and not giving notice shall be cashiered.

(17.) Officers and Seamen of convoy Ships, shall dilligently attend upon their charge, &c., and defend the same, &c., and not demand any reward from any merchant, &c., and not misuse the Masters, &c., upon pain of suffering such punishment as Court Martial shall think proper.

(18.) Any Captain, &c, receiving on board any Goods, &c., except for use of the Ship, and except Gold, Silver, and Jewels, and the Goods of any Shipwrecked Vessel, and Goods which he may be ordered to receive, shall be cashiered and incapable for any public service.

(19.) Any person in Indian Navy, making a mutinous assembly or uttering words of sedition or mutiny, or behaving with contempt to Superior Officer in execution of his duty, shall be punished as Court Martial shall think fit.

(20.) Any person in Indian Navy concealing any traitorous or mutinous practice, &c., shall suffer death or minor punishment, and any person concealing traitorous or mutinous words, or not revealing the same forthwith, shall be punished as Court Martial shall think fit.

(21.) Any person in Indian Navy having cause to complain of the unwholesomeness of provisions, shall quietly make known the same to his Superior Officer with a view to a remedy, and any person stirring up disturbance on such pretence shall be punished as Court Martial shall think fit.

(22.) Any Officer, &c., striking Superior Officer, &c, or quarrelling with

Superior Officer, &c., or disobeying lawful command, shall suffer death or minor punishment.

(23.) Any person in Indian Navy quarrelling or fighting with any other person therein, or using reproaching speeches, &c., shall be punished as Court Martial shall think fit.

(24.) Stores and Provisions, &c., shall be carefully preserved, upon pain of such punishment as Court Martial shall deem just.

(25) Every person in Indian Navy unlawfully burning or setting fire to any Magazine, &c., not belonging to an Enemy, shall suffer death or minor punishment.

(26.) If Vessel is through negligence, &c., stranded, &c., offender shall be punished with death, or minor punishment.

(27.) No person in Indian Navy to sleep on watch or negligently perform duty, &c., on pain of being punished as Court Martial thinks proper.

(28.) Murder by person in Indian Navy shall be punishable with death.

(29.) Any person in Indian Navy committing the unnatural and detestable sins specified shall be punished with death, or minor punishment.

(30.) All robbery by person in Indian Navy shall be punished with death, or otherwise as Court Martial thinks proper.

(31.) Any Officer making or singing a false muster, &c., shall be cashiered.

(32.) No person in Indian Navy shall refuse to apprehend, &c., any Criminal, under proper authority, &c., upon pain of such punishment as Court Martial shall think proper.

(33.) Any Superior Officer, &c., behaving in a scandalous, &c., manner unbecoming an Officer shall be dismissed from the Indian Navy, or suffer such other punishment as Court Martial thinks proper.

(34 and 35.) Every person in actual service and full pay being guilty of Mutiny, &., or (35) any other offences made punishable by this Act, on shore, shall be punishable as for same offences committed at Sea.

2. Court Martial shall not sentence to imprisonment for more than two years.

3 and 4. This Act shall not be construed to empower Court Martial to punish or try offences (except, &c.) not committed upon the Main Sea, or in Great Rivers, &c., or committed by persons in actual service and full pay, &c, nor (4) to try any Land Officer, &c., on board a Transport Ship

5. The Governor General of India and Governors of Madras and Bombay respectively may grant Commissions to call Courts Martial, &c., and in case of the death, &c, of Officer named in Commission, the Officer next in command, &c., shall have same power.

6. No Commander-in-Chief of Fleet, &c, of more than five Ships shall preside at Court Martial, but the next in Command to such Officer shall preside.

7 and 8. If three or more Ships of the Indian Navy meet in Foreign parts, the Senior Officer, not under the rank of Commander, may hold Courts Martial and preside thereat, &c., unless (8) there is some material objection to such Officer presiding, in which case the Governor General or Governor in Council, may authorise the third Officer in command to preside, &c.

9. No Court Martial shall consist of more than 13 nor less than 5 persons of specified rank.

10. Prescribes the Oath to be taken by Officers composing Courts Martial, and by Judge Advocate.

11 and 12. Any person refusing to give evidence at Court Martial, or prevaricating in his evidence, &c., may be punished by Court in specified manner; and persons committing perjury or subordination of perjury, may be prosecuted in Her Majesty's Courts, and (12) in prosecutions for such offences it shall not be necessary to set forth the Commission, &c.

13., No Sentence of death given by Court Martial shall be put in execution till the proceedings have been reported and directions have been given by Governor General in Council.

14. The Judge Advocate or his deputy may administer oath to witnesses, &c., and in their absence the Court may appoint person to execute the office.

15 and 16. The several articles and orders established by this Act, shall remain in force with respect to the crews of vessels lost or destroyed, until they are discharged from the service, or placed in other vessels, &c., and the pay and wages of such crews and officers, and of (16) the officers and crews of captured vessels shall go on and be paid, &c., if they have done their duty under the circumstances.

17. No person not flying from justice, shall be tried by Court Martial, unless upon complaint made in writing within three years of the offence, or one year of the return of the ship, &c., or one year of the return of the offender into the East Indies.

18. This Act not to take away from the Lord High Admiral, &c., any Admiralty power, &c.

19. Proceedings of Court Martial not to be delayed by the absence of Members if sufficient remain to compose a Court. Court to sit from day to day. Sundays excepted, and Members absenting themselves during the whole time except in case of sickness, &c., to be cashiered.

An Act for better securing the observance of an exact discipline in the Indian Navy.

I. Whereas by an Act of the British Parliament passed in the Session held in the 3rd and 4th years of His late Majesty King William the IV., intituled "An Act for effecting an arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories till the 30th day of April, 1854": It is among other thing enacted, that the Governor General of India in Council shall have power to make Laws and Regulations for repealing, amending or altering any Laws or Regulations whatever then in force, or thereafter to be in force in the said Territories, or any part thereof, and to make Laws and Regulations for all persons whether British or Native, Foreigners, or others, and for all

Courts of Justice whether established by His Majesty's Charters or otherwise, and the jurisdiction thereof, and for all places and things whatsoever within and throughout the whole or any part of the said Territories, and for all servants of the said Company within the dominions of Princes and States in alliance with the said Company, save and except that the said Governor General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend or affect any of the provisions of the now reciting Act, or any of the provisions of the Acts for punishing mutiny and desertion of Officers and Soldiers, whether in the service of His Majesty or the said Company, or any provisions of any Act thereafter to be passed in any wise affecting the said Company, or the said Territories, or the Inhabitants thereof, or any Laws and Regulations which shall in any way affect any Prerogative of the Crown or the authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said Territories.

And it is hereby provided and enacted, that in case the Court of Directors of the said Company, under such control as by the now reciting Act is provided, shall signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made, then and in every such case, upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council shall forthwith repeal all laws and Regulations so disallowed. And it is also provided and enacted, that all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories in the same manner as any Public Act of Parliament would and ought to be taken notice of, and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council. And it is thereby also

provided and enacted, that it shall not be lawful for the said Governor General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby powers shall be given to any Courts of Justice other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of death any of His Majesty's natural born subjects, born in Europe, or the children of such subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

And whereas by another Act passed in the Session held in the 3rd and 4th years of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the service of the East India Company, and for providing for the observance of Discipline in the Indian Navy, and to amend the laws for regulating the payment of Regimental Debts and the distribution of the Effects of Officers and Soldiers dying in service," reciting that the said Company, for the safety and protection of the Territories under their Government, in addition to their Land Forces, maintain a Marine Establishment theretofore called "the Bombay Marine," but then called "the Indian Navy," and that by an Act passed in the 9th year of the Reign of King George the 4th, intituled "An Act to extend the provisions of the East India Mutiny Act to the Bombay Marine," reciting an Act of the 4th year of King George the Fourth, and that it was expedient that discipline should be enforced in the said Marine Establishment in the manner provided by the said Act of the 4th year of King George the Fourth in respect to the other Force of the said Company, it is enacted, that the provisions of the said Act of the 4th year of King George the Fourth and the Rules and Articles of War made and to be made by virtue thereof, should extend and be applied to the service of "the Bombay Marine," and that all persons in the service of the said Company belonging to the said Bombay Marine who should be Commissioned or in pay as Officers, or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army, should be to all intents and purposes liable to the provisions of the said Act of the 4th year of His Majesty King George the Fourth, and to the same Rules and Articles of War, and the same penalties as the officers and soldiers of the said Company's other

Forces, and reciting that it is expedient to provide other means for enforcing discipline in the said Marine Establishment called "the Indian Navy," it was amongst other things enacted that, for the retaining the Forces of the said Establishment in their duty, the Governor General of India in Council should have power to make Laws and Regulations for securing the observance of an exact discipline in the said service called "the Indian Navy," and for bringing to a more exemplary and speedy punishment than the usual forms of the Law will allow, all Officers, Engineers, Soldiers, Marines, Seamen, and all others belonging to the said Marine Establishment who should Mutiny or stir up sedition, or should desert the said service, or should commit any other offence which in its nature would be cognizable by Court Martial under the now reciting Act, or which might be against good discipline in Naval Service in the same, in as full and ample manner, to all intents and purposes, as by virtue of the said Act passed in the Session held in the 3rd and 4th years of the Reign of his late Majesty King William the Fourth, the said Governor General in Council then had power to make any Laws and Regulations whatsoever, anything in the said last mentioned Act or any other Act or Acts to the contrary notwithstanding. And it was thereby provided and enacted, that in case the Court of Directors of the East India Company, under the control of the Board of Commissioners for the Affairs of India, should signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made by virtue of the now reciting Act, then and in every such case, upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council should forthwith repeal all Laws and Regulations so disallowed. And it was also provided and enacted that all Laws and Regulations made as aforesaid, so long as they should remain unrepealed, should be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and should be taken notice of by all Courts of Justice whatsoever within the same Territories in the same manner as any public Act of Parliament would and ought to be taken notice of, and it should not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

And it was also provided and enacted, that it should not be lawful for the said Governor General in Council without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power should be given to any Court other than the Courts of Justice established by the Charters of the Crown, to sentence to the punishment of death any of Her Majesty's natural born subjects born in Europe, or the children of such subjects.

And it was also provided and enacted, that until the said Governor General in Council should have made Laws and Regulations for the good Government of the said "Indian Navy," by virtue of the powers by the now reciting Act for that purpose given, all the provisions of the now reciting Act, and the Rules and Articles of War to be made by virtue thereof should extend and be applied to the said Marine Establishment called the "Indian Navy," and that all persons in the service of the said Company belonging to the said Indian Navy who should be Commissioned or in pay as Officers or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army, should be, to all intents and purposes, liable to the provisions of the now reciting Act, and to the same Rules and Articles of War, and the same penalties as the Officers and Soldiers of the said Company's other Forces.

And whereas it is deemed expedient to place the Indian Navy under Articles and Orders as nearly similar as may be to those in force in Her Majesty's Navy, and the Court of Directors of the East India Company have given their previous sanction to the several Enactments hereinafter contained, and to all and singular the Laws and Regulations hereby made. Now it is therefore hereby enacted, that from and after the 1st day of October, 1844, the Articles and Orders hereinafter following, as well in time of Peace as in time of War, shall be duly observed and put in execution in manner hereinafter mentioned:—

1. All Captains, Commanders, and Officers, in or belonging to any of the East India Company's Ships or Vessels of War shall cause the Public Worship of Almighty God, according to the Liturgy of the Church of England established by Law to be solemnly, orderly, and reverently performed in their respective Ships, and shall take care that Prayers and Preaching be per-

formed diligently, and that the Lord's Day be observed according to Law.

2. All Officers, Engineers, Soldiers, Marines, Seamen and others belonging to the Indian Navy, being guilty of profane Oaths, Cursing, Execrations, Drunkenness, Uncleanness, or other Scandalous Actions, in derogation of God's honor and corruption of good manners shall incur such punishment as a Court Martial shall think fit to impose, and as the nature and degree of their offence shall deserve.

3. If any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy shall give, hold or entertain intelligence to or with any Enemy or Rebel without leave from the Queen's Majesty, or the Governor General in Council, or the Governor in Council of the Presidency under which they serve, or persons duly authorized, Commander-in-Chief or his Commanding Officer, every such person so offending and being thereof convicted by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence may deserve, or the Court Martial shall impose.

4. If any Letter or Message from any Enemy or Rebel be conveyed to any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy, and the said Officer, Engineer, Soldier, Marine, Seaman or other person as aforesaid, shall not within twelve hours, having opportunity so to do, acquaint his Superior Officer, or the Officer Commanding in Chief with it, or if any Superior Officer belonging to the Indian Navy being acquainted therewith shall not in covenient time reveal the same to the Officer Commanding in Chief the Squadron, every such Person so offending and being convicted thereof by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

5. All Spies and all persons whatsoever who shall come or be found in the nature of Spies within the Territories under the Government of the East India Company to bring or deliver any seducing Letters or Messages from any Enemy or Rebel, or endeavour to corrupt any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy to betray

his trust, being convicted of any such offence by the sentence of Court Martial, shall be punished with death, or shall suffer such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

6. No person belonging to the Indian Navy shall relieve an Enemy or Rebel, with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment as a Court Martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

7. All the Papers, Charter Parties, Bills of Lading, Passports and other writings whatsoever, that shall be taken, seized or found aboard any Ship or Vessel, which shall be surprised or taken as Prize shall be duly preserved, and the very originals shall, by the Commanding Officer of the Ship or Vessel which shall take such Prize, be sent entirely and without fraud to the Court of Admiralty, or such other Court or Commissioners as shall be authorized to determine whether such Prize be lawful capture, there to be viewed, made use of, and proceeded upon according to Law, upon pain that every person offending therein, shall forfeit and lose all share of the capture, and shall suffer such further punishment as the nature and degree of his offence shall be found to deserve and the Court Martial shall impose.

8. No person in or belonging to the Indian Navy shall take out of any Prize, or ship or vessel seized for Prize, any Money, Plate or Goods, unless it shall be necessary, for the better securing thereof, or for the necessary use and service of any of her Majesty's Ships or Vessels of War; or of any of the Ships or Vessels of the Indian Navy, before the same be adjudged lawful Prize in some Admiralty or other competent Court, but the full and entire account of the whole without embezzlement shall be brought in and judgment passed entirely upon the whole without fraud, and upon pain that every person offending herein shall forfeit and lose all share of the capture, and suffer such further punishment as shall be imposed by a Court Martial, or such Court of Admiralty according to the nature and degree of the offence.

9. If any Ship or Vessel shall be taken as Prize, none of the Officers, Mariners, or other persons on board her shall be stripped of their clothes, or in any sort pillaged, beaten or evil treated,

upon pain that the person or persons so offending shall be liable to such punishment as a Court Martial shall think fit to inflict.

10 Every Superior Officer belonging to the Indian Navy, who upon signal order of fight, or sight of any Ship or Vessel which it may be his duty to engage, or who upon likelihood of engagement shall not make the necessary preparations for fight, and shall not in his own person and according to his place encourage the inferior Officers and men to fight courageously, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve; and if any person belonging to the Indian Navy shall treacherously or cowardly yield or cry for quarter, any person so offending and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

11. Every person belonging to the Indian Navy who shall not duly observe the orders of the Officer Commanding in Chief the Squadron or Division, or other his superior Officer, for assailing, joining battle with, or making defence against any Fleet, Squadron, or Ship or Vessel, or shall not obey the orders of his superior Officer as aforesaid in time of action to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending, and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

12. Every person belonging to the Indian Navy who, through cowardice, negligence or disaffection shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every Ship and Vessel which it shall be his duty to engage, and to assist and relieve all and every the Ships and Vessels of Her Majesty and of the East India Company, or of Her Majesty's or the said Company's Allies, which it shall be his duty to assist and relieve, every such person so offending, and being convicted thereof by the sentence of a Court Martial shall suffer death or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

13. Every person belonging to the Indian Navy who, through

cowardice, negligence, or disaffection shall forbear to pursue the chase of any Enemy, Pirate or Rebel, beaten or flying, or shall not relieve or assist a known friend in view to the utmost of his power, being convicted of such offence by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

14. If when action or any service shall be commanded, any person belonging to the Indian Navy shall presume to delay or discourage the said action or service upon pretence of arrears of wages, or upon any pretence whatsoever, every person so offending, being convicted thereof by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

15. Every person in or belonging to the Indian Navy who shall desert to any Enemy, Pirate or Rebel, or run away with any of the Ships or Vessels of War of Her Majesty or of the East India Company, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, to the weakening of the service, or yield up the same cowardly or treacherously to any Enemy, Pirate, or Rebel, being convicted of any such offence by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

16. Every person belonging to the Indian Navy who shall desert or entice others so to do, shall suffer death, or such other punishment as the circumstances of the offence shall deserve and a Court Martial shall judge fit; and if any Commanding Officer of any of the East India Company's Ships or Vessels of War shall receive or entertain a deserter from any other Ship or Vessel of Her Majesty, or of the East India Company, after discovering him to be such deserter, and shall not with all convenient speed give notice to the Captain of the Ship or Vessel to which such deserter belongs; or if the said Ships or Vessels are at any considerable distance from each other, to the Government or to the Officer Commanding in Chief, every person so offending, and being convicted thereof by the sentence of a Court Martial, shall be cashiered.

17. The Officers and Seamen of all Ships or Vessels belonging to the Indian Navy, appointed for Convoy and Guard, of Merchant Ships or Vessels, or of any other, shall diligently attend upon the charge without delay according to their instructions in that behalf, and whosoever shall be faulty therein, and shall not faithfully perform their duty and defend the Ships, Vessels and Goods in their Convoy without either diverting to other parts, or occasions, or refusing or neglecting to fight in their defence, if they be assailed, or running away cowardly and submitting the Ships in their Convoy to peril and hazard, or shall demand or exact any money or other reward from any Merchant or Master for convoying of any Ships or Vessels entrusted to their care, or shall misuse the Masters or Mariners thereof, shall be condemned to make reparation of the damage to the Merchants, Owners, and others, as the Court of Admiralty or other competent Court shall judge; and also be punished criminally according to the quality of their offences, be it by pain of death, or other punishment, according as shall be adjudged fit by a Court Martial.

18. If any Captain, Commander or other Officer of any of the Ships or Vessels of the Indian Navy shall receive on board, or permit to be received on board such Ship or Vessel any Goods or Merchandizes whatsoever, other than for the sole use of the Ship or Vessel, except Gold, Silver, or Jewels, and except the Goods and Merchandizes belonging to any Merchant or other Ship or Vessel which may be Shipwrecked either on the High Seas, or in any Port, Creek or Harbour, in order to the preserving them for their proper Owners, and except such Goods or Merchandizes as he shall at any time be ordered to take or receive on board by order of any competent authority, every person so offending being convicted thereof by the sentence of a Court Martial shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the Naval Service of the East India Company.

19. If any person belonging to the Indian Navy shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, or shall utter any words of sedition or mutiny, he shall suffer death or such other punishment as a Court Martial shall deem him to deserve; and if any Officer, Engineer,

Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall behave himself with contempt to his Superior Officer, such Superior Officer, being in the execution of his Office, he shall suffer such punishment according to the nature of his offence as a Court Martial shall deem him to deserve

20. If any person belonging to the Indian Navy shall conceal any traitorous or mutinous practice or design, being convicted thereof by the sentence of a Court Martial, he shall suffer death, or such other punishment as a Court Martial shall think fit; and if any person belonging to the Indian Navy shall conceal any traitorous or mutinous words spoken by any to the prejudice of Her Majesty, or any words, practice or design tending to the hindrance of the service, and shall not forthwith reveal the same to the Commanding Officer, or being present at any mutiny or sedition shall not use his utmost endeavours to suppress the same, he shall be punished as a Court Martial shall think he deserves.

21. If any person belonging to the Indian Navy shall find cause for complaint of the unwholesomeness of the victuals or upon other just ground he shall quietly make the same known to his Superior Officer, or Captain, or Commander in Chief, as the occasion may deserve, that such present remedy may be had as the matter may require; and the said Superior Officer, Captain or Commander in Chief shall, as far as he is able, cause the same to be presently remedied, and no person belonging to the Indian Navy upon any such or any other pretence shall attempt to stir up any disturbance upon pain of such punishment as a Court Martial shall think fit to inflict according to the degree of the offence.

22. If any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall strike any of his Superior Officers, or draw, or offer to draw, or lift up any weapon against him, being in the execution of his office, on any pretence whatsoever; or if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall presume to quarrel with any of his Superior Officers, being in the execution of his office, or shall disobey any lawful command of any of his Superior Officers, every such person being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as shall according

to the nature and degree of his offence be inflicted upon him by the sentence of a Court Martial.

23. If any person belonging to the Indian Navy shall quarrel or fight with any other person therein, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall upon being convicted thereof suffer such punishment as the offence shall deserve and a Court Martial shall impose.

24. There shall be no embezzlement nor wasteful expense of any Powder, Shot, Ammunition, or other Stores. But the Stores and Provisions shall be carefully preserved upon pain of such punishment as shall be by a Court Martial found just in that behalf.

25. Every person belonging to the Indian Navy who shall unlawfully burn or set fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy or Vessel, or tackle or furniture thereunto belonging, not then appertaining to an Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

26. Care shall be taken in the conducting and steering of any of the Ships or Vessels of the Indian Navy, that through wilfulness, negligence, or other defaults no Ship or Vessel be stranded or run upon any rocks, or sands, or split, or hazarded, upon pain that such as shall be found guilty therein be punished by death or such other punishment as the offence by a Court Martial shall be judged to deserve.

27. No person belonging to the Indian Navy shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station upon pain of death, or such other punishment as a Court Martial shall think fit to impose, and as the circumstances of the case shall require.

28. All murders committed by any person belonging to the Indian Navy shall be punished with death by the sentence of a Court Martial.

29. If any person belonging to the Indian Navy shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with death, or such other

punishment as the offence by a Court Martial shall be judged to deserve.

30. All robbery committed by any person belonging to the Indian Navy shall be punished with death or otherwise as a Court Martial upon consideration of the circumstances shall find meet.

31. Every officer or other person belonging to the Indian Navy who shall knowingly make or sign a false muster or muster-book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall, upon proof of any such offence being made before a Court Martial, be cashiered.

32. No person belonging to the Indian Navy, being duly authorised so to do shall refuse to apprehend any Criminal whom he shall be authorised by legal Warrant to apprehend, or to receive or keep any prisoner committed to his charge or wilfully suffer him to escape, being once in his custody, or dismiss him without lawful order, upon pain of such punishment as a Court Martial shall deem him to deserve; and all Captains, Officers and others belonging to the Indian Navy shall do their endeavour to detect, apprehend, and bring to punishment all offenders, and shall assist the Officers appointed for that purpose therein upon pain of being proceeded against and punished by a Court Martial, according to the nature and degree of the offences.

33. If any Superior Officer, Captain, or Commander, or Lieutenant belonging to the Indian Navy shall be convicted before a Court Martial of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner, unbecoming the character of an Officer, he shall be dismissed from the Indian Navy, or suffer such other punishment as a Court Martial shall deem him to deserve.

34. Every person belonging to the Indian Navy, being in actual service and full pay, who shall be guilty of Mutiny, Desertion, or Disobedience to any lawful command in any part of the Territories under the Government of the East India Company, on shore, when in actual service relative to the Indian Navy, shall be liable to be tried by a Court Martial, and suffer the like punishment for every offence as if the same had been committed at Sea on board any Ships or Vessels of the Indian Navy.

35. If any person belonging to the Indian Navy, who shall be in actual service and full pay, shall commit upon the shore in any

place or places out of the Territories under the Government of the East India Company, any of the crimes punishable by these Articles and Orders, the person so offending shall be liable to be tried and punished for the same in like manner to all intents and purposes as if the said crimes had been committed at Sea on board any of the Ships or Vessels of the Indian Navy.

II. Provided always, that no person convicted of any offence, shall by the sentence of any Court Martial, to be held by virtue of this Act, be adjudged to be imprisoned for a longer term than the space of two years.

III. Provided also, that nothing in this Act contained shall extend, or be construed to extend to empower any Court Martial, to be constituted by virtue of this Act to proceed to the punishment or trial of any of the offences specified in the several Articles contained in this Act, or of any offence whatsoever (other than the offences specified in the 5th, 34th, and 35th of the foregoing Articles and Orders) which shall not be committed upon the Main Sea, or in great Rivers only beneath the Bridges of the said Rivers nigh to the Sea, or any Haven, River, or Creek within the jurisdiction of the Admiralty, and which shall not be committed by such person as at the time of the offence committed shall be in actual service and full pay in the Indian Navy, such persons only excepted, and for such offences only as are described in the 5th of the foregoing Articles and Orders. [Amended by Act XXXIII., 1858.]

IV. Provided also, that nothing in this Act contained shall extend, or be construed to extend, to empower any Court Martial to be constituted by virtue of this Act, to proceed to the punishment or trial of any Land Officer or Soldier, on board any Transport Ship, for any of the offences specified in the several Articles contained in this Act.

V. And it is hereby further enacted, that the Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority to grant Commissions to any Officer Commanding in Chief, any Fleet or Squadron of Ships or Vessels of War, to call and assemble Courts Martial, consisting of Captains, Commanders and Lieutenants; and that in case any Officer Commanding in Chief any Fleet or Squadron of Ships or Vessels of War (who shall be authorized by

the Governor General or Governor in Council for the time being, to call and assemble Courts Martial in Foreign parts), shall happen to die, or be recalled or removed from his command, then the Officer upon whom the command of the said Fleet or Squadron shall devolve, not under the rank of Commander, and so from time to time the Officer not under the rank of Commander, who shall have the command of the said Fleet or Squadron, shall have the same power to call and assemble Courts Martial as the first Commander in-Chief of the said Fleet or Squadron was invested with.

VI. Provided always, and it is hereby enacted, that no Commander in Chief of any Fleet or Squadron of the Indian Navy or Detachment thereof, consisting of more than five Ships or Vessels, shall preside, at any Court Martial, but that the Officer next in command to such Officer Commanding in Chief shall hold such Court Martial and preside thereat, any Law, Custom, or Usage to the contrary notwithstanding

VII. And it is hereby further enacted, that if any three or more of the Ships or Vessels of the Indian Navy shall happen to meet together in Foreign parts, then and in such case it shall be lawful for the Senior Officer of the said Ships or Vessels, not under the rank of Commander, to hold Courts Martial and preside thereat from time to time as there shall be occasion, during so long time as the said Ships or Vessels of the Indian Navy, or any three or more of them shall continue together.

VIII. Provided nevertheless and it is also enacted, that where any material objection occurs which may render it improper for the person who is next in command to the Senior Officer or Commander in Chief of any Fleet or Squadron of the Ships of the Indian Navy in Foreign parts, to hold Courts Martial or preside thereat, in such case it shall be lawful for the said Governor General or Governor in Council, as also the Commander in Chief of any such Squadron of the Ships or Vessels of the Indian Navy in Foreign parts respectively, to appoint the third Officer in Command to preside at or hold such Court Martial.

IX. And it is hereby further enacted, that no Court Martial to be held or appointed by virtue of this present Act, shall consist of more than thirteen or less than five persons, to be composed of such Superior Officers, Captains, Commanders or Lieutenants, then and there present as are next in seniority to the Officer who

presides at the Court Martial, such Lieutenants not to exceed two-fifths of the whole Court. Provided always and it is hereby enacted, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Governor General, or Governor in Council (as the case may be), or any Officer empowered to order or hold Courts Martial to direct or ascertain the particular number of persons of which any Court Martial to be held or appointed by virtue of this Act shall consist.

X. And it is hereby further enacted, that upon all trials of offenders by any Court Martial all the Officers present, who are to constitute the said Court Martial, shall, before they proceed to such trial, take such oath as is hereinafter mentioned upon the Holy Evangelists before the Court, which oath the Judge Advocate or his Deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say):—

I, A. B., do swear that I will administer justice according to the Articles and Orders established by an Act passed for the better securing the observance of an exact Discipline in the Indian Navy, without partiality, favor or affection, and if any case shall arise which is not particularly mentioned in the said Articles and Orders, I will duly administer justice according to my concience and the best of my understanding. And I do further swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial, unless thereunto required by an Act of the Governor General of India in Council.

So help me God.

And so soon as the said oath shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the person officiating as such, an oath in the following words:—

I, A. B., do swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial, unless thereunto required by an Act of the Governor General of India in Council.

So help me God.

XI. And it is hereby further enacted, that in case any person in the Indian Navy being called upon to give evidence at any

Court Martial shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the Court, it shall and may be lawful for such Court Martial to punish every such offender by imprisonment at the discretion of the Court; such imprisonment not to continue longer than three months in case of such refusal or prevarication, nor longer than one month in the case of such contempt, and that all and every person and persons who shall commit any wilful perjury in any evidence or examination upon oath at any such Court Martial, or who shall corruptly procure or suborn any person to commit such wilful perjury shall and may be prosecuted in Her Majesty's Courts by Indictment or Information, and every issue joined in any such Indictment or Information shall be tried according to the Laws in force in such cases.

XII. And it is further enacted, that in every Information or Indictment to be prosecuted by virtue of this Act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant without setting forth the Commission or Authority for holding the Court Martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such Court.

XIII. And it is hereby further enacted, that no sentence of death given by any Court Martial shall be put in execution till after the report of the proceedings of the said Court shall have been made to the said Governor General in Council and his directions shall have been given therein.

XIV. And it is further enacted, that the Judge Advocate for the time being or his Deputy, shall have full power and authority, and is hereby required to administer an oath to any witness at any trial by Court Martial, and in the absence of the Judge Advocate and his Deputy the Court Martial shall have full power and authority to appoint any persons to execute the Office of Judge Advocate.

XV. And it is further enacted, that all the powers given by the several Articles and Orders established by this Act shall remain and be in full force with respect to the Crews of such of the Ships or Vessels of the Indian Navy as shall be wrecked, or be otherwise lost or destroyed, and all the command, power and authority of the Officers of the said Ships or Vessels shall remain

and be in full force as effectually as if such Ships or Vessels to which they did belong were not so wrecked, lost or destroyed until they shall be regularly discharged from the East India Company's further service, or removed into some other of the Ships or Vessels of the Indian Navy, or until a Court Martial shall be held to enquire into the causes of the loss of the said Ships or Vessels; and if upon such enquiry it shall appear by the sentence of the Court Martial that all or any of the Officers or Seamen of the said Ships or Vessels did their utmost to preserve, get off, or recover the same, and since the loss thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, then all the pay and wages of the said Officers and Seamen, or of such of them as shall have done their duty as aforesaid, shall continue and go on and be paid to the time of their discharge or death, or if they shall be then alive to the time of the holding of such Court Martial, or removal into some other of the Ships or Vessels of the Indian Navy, and every such Officer and Seaman of the Ships or Vessels of the Indian Navy who, after the wreck or loss of his Ship or Vessel, shall act contrary to the Discipline of the Indian Navy, and the several Articles or Orders hereinbefore established, or any of them, shall be sentenced by the said Court Martial and punished as if the Ship or Vessel to which he did belong was not so wrecked, lost or destroyed.

XVI. And it is further enacted, that all the pay and wages of such Officers and Seamen of any of the Ships or Vessels of the Indian Navy as are taken by the Enemy, who upon enquiry at a Court Martial shall appear, by the sentence of the said Court, to have done the utmost to defend the said Ships or Vessels, and since the taking thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, shall continue and go on and be paid from the time of their being so taken to the time of the holding of such Court Martial, or until they shall be regularly discharged from the East India Company's service or removed into some other of the Ships or Vessels of the Indian Navy, or if they shall die in captivity, or not live to the time of the holding of such Court Martial, to the time of

their death, in such manner and not otherwise, as if the said Ships or Vessels to which they did belong respectively were not so taken.

XVII. Provided always, and it is further enacted, that no person or persons not flying from justice shall be tried or punished by any Court Martial for any offence to be committed against this Act, unless the complaint of such offence be made in Writing to to Governor General in Council or Governor in Council or some Officer empowered to order a Court Martial, or unless a Court Martial to try such offender shall be ordered by the said Governor General or Governor in Council, or such Officer either within three years after such offence shall be committed, or within one year after the return of the Ship or Vessel or of the Squadron to which such offender shall belong into any of the Ports in the East Indies, or within one year after the return of such offender into the East Indies.

XVIII. Provided always that nothing in this Act contained shall extend or be construed to extend to take away from the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of the Lord High Admiral of Great Britain, or any Vice-Admiral, or any Judge or Judges of the Admiralty, or his or their Deputy or Deputies, or any other Officers or Ministers of the Admiralty, or any others having or claiming any Admiralty power, jurisdiction, or authority within any of the Queen's Dominions, or from any person or Court whatsoever, any power, right, jurisdiction, pre-eminence or authority which he or they, or any of them lawfully hath, have or had, or ought to have or enjoy before the making of this Act, so as the same person shall not be punished twice for the same offence.

XIX. And it is further enacted, that the proceedings of any Court Martial shall not be delayed by the absence of any of its Members, provided a sufficient number doth remain to compose such Court, which shall and is hereby required to sit from day to day (Sundays always excepted), until the sentence be given, anything hereinbefore contained to the contrary thereof in any wise notwithstanding; and no Member of the said Court Martial shall absent himself from the said Court during the whole course of the trial upon pain of being cashiered from the East India Company's Service, except in case of sickness, other extraordinary and indispensable occasion to be judged of by the said Court.

Act XIV., 1853, is an Act for regulating the collection and distribution of the Effects of Officers, Seamen and others dying in the Marine Service of the East India Company called the Indian Navy. Act III., 1855, an Act for the better prevention of Desertion from the Indian Navy, and Act XXXIII., 1858, is an Act to amend Act XII. 1844.

COPPER COINAGE.—TRISOOLEE PYCE.

ACT No. XIII. OF 1844.

[*Passed on the 15th June*, 1844.

1, 2, 3, and 4. Trisoolee Pyce struck for Benares under specified Regulations to cease to be a legal tender: but (2) shall be received on account of Government and exchanged for Company's Pyce, at (3) places to be appointed by Lieutenant Governor, who (4) may order one Rupee to be given for 64 Pyce.

An Act for making Trisoolee Pyce no longer a legal tender within the province of Benares, and for their withdrawal from circulation.

Carried out and practically expired.

TRANSPORTATION FOR LIFE.

ACT No. XIV. OF 1844.

[*Passed on the 6th July*, 1844.

1. Prisoner sentenced by Sudder to imprisonment for life shall be sentenced at same time to transportion, except in specified cases.

2. Sudder Judge may sentence to transportation prisoner sentenced by Commissioner of Circuit, &c., to imprisonment for life.

An Act for regulating the Proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay and at Agra, in regard to sentences of transportion for life.

Repealed by Act XVII., 1862. Punishments are regulated by the Indian Penal Code.

CUSTOMS DUTIES.

ACT No. XV. OF 1844.

[*Passed on the 6th July*, 1844.

Extends to manufactures of mixed materials the rate of duty imposed by Customs Acts on Cotton and Silk Goods

An Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844.

The Customs Duties at present are contained in the "Indian Customs Duties Act, 1867."—(Act XVII., 1867.)

BOMBAY.—SALT DUTY.

Act No. XVI., of 1844.

[*Passed on the 27th July*, 1844.

1. Repeals Section 1, Act XXVII., 1837.
2. Salt Duty at Government Salt Works to be one Rupee per Maund.
3. Repeals Section 43, Act I., 1838.
4. The Exporter of Salt who has paid the excise duty entitled to a Certificate from the Collector of Customs, and shall pass into the interior under the usual passes free of other duty.
5. Repeals specified parts of Schedule A. and B., Act I, 1838.
6. The import duty on Salt in the Bombay Presidency shall be One Rupee per maund, and Salt on which that duty has been paid may be re-exported free of duty.

An Act for increasing the Excise and Import Duties heretofore payable to the Government on Salt manufactured within or imported into the Territories subject to the Government of the Presidency of Bombay.

Whereas by Act VI. of 1844, all Inland, Transit, and Town Duties levied on behalf of the Government of the East India Company, within the limits of the Territories subordinate to the Presidency of Fort St. George where abolished, and the impost on Salt manufactured and sold within the said Territories was raised to a rate more in accordance with the Tax on the same article borne by other Divisions of the British Possessions: and whereas, although enquiries which have been instituted as to the origin and extent of certain Town duties and local cesses within the Presidency of Bombay with a view to their abolition have not yet been completed, it is nevertheless expedient, in order to equalize the average prices of Salt within the Presidencies of Fort St. George and Bombay, to increase as well the Customs duty on imported Salt as the Excise duty heretofore and at present payable on Salt that may he delivered from any Salt

Work within the Territories subject to the Government of the Presidency of Bombay:

I. It is hereby enacted, that from the First day of September, 1844, Sec. I. of Act XXVII. of 1837, shall be repealed.

II. And it is hereby enacted, that from the First day of September, 1844, there shall be paid to the Government on every Maund of 3,200 Tolas weight of Salt that may be delivered from any Salt Work within the Territories subject to the Government of the Presidency of Bombay a duty of One Company's Rupee. [Repealed by Act VII., 1861.]

III. And it is hereby enacted, that Sec. 43, Act I. of 1838, shall be repealed.

IV. And it is hereby enacted, that on application by the Exporter from any Port of the Presidency of Bombay of any Salt that has paid the Excise duty fixed by Sect. 2 of this Act, a Certificate shall be granted by the Collector of Customs at the place of Exports, under authority of which Certificate the quantity of Salt specified therein shall be landed at any other Port of the said Presidency of Bombay, and shall be passed from such Port into the interior under cover of the passes applicable to the free passage of Salt without the levy of any further duty either of Excise or Customs.

V. And it is hereby enacted, that so much of Schedule A., appended to Act I. of 1838, as provides that on Salt imported by Sea into any Port of the Presidency of Bombay, and not covered by a pass, there shall be levied a duty of Eight Annas per maund of 80 tolas per seer, and so much of Schedule B. appended to Act I. of 1838, as provides that Salt having paid the Excise duty of Eight Annas a maund shall be permitted to be exported free of duty from any Port or place in the Presidency of Bombay, shall be repealed.

VI. And it is hereby enacted, that on Salt imported by Sea into any Port of the Presidency of Bombay, and not covered by a Pass, there shall be levied a duty of One Company's Rupee per maund of 3,200 Tolas weight, and that Salt having paid the Excise duty of One Company's Rupee per maund shall be permitted to be exported free from further duty from any Port of the Presidency of Bombay. [Repealed by Act VII., 1861.]

BOMBAY.—COLABA.

Act No. XVII. of 1844.

[*Passed on the* 10*th August*, 1844.

1. Vests the administration of Police, &c., in lapsed Territories in Agent of Government.
2. Governor in Council may make rules for guidance of Agent.
3. Foujdaree Adawlut to pass final sentence.
4. Sudder Adawlut to try Appeals from Agent in usual manner.
5. Lapsed Territories to be governed under same laws as contiguous lands.

An Act for the Administration of Justice and Collection of the Revenue in the Territory which formed the State of Colaba, and which has lapsed to the British Government.

Repealed by Act VIII., 1853.

BENGAL.—GAOLS.

Act No. XVIII. of 1844.

[*Passed on the* 7*th September*, 1844.

1. Repeals all former Regulations and Acts respecting the control of Gaols.
2. Vests the control of Gaols in the Magistrates and Joint Magistrates.

An Act for the better control and management of Gaols within the Bengal Presidency.

I. It is hereby enacted, that so much of the provisions of any Regulation of the Bengal Code, or of any Act of the Government of India, as vests the Judges of Circuit, the Commissioners of Circuit, the Superintendents of Police, and the Sudder Nizamut Adawlut with control and Superintendence over the several Gaols of the Presidency of Fort William, in Bengal, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, is repealed.

II. And it is hereby enacted, that the whole of the said control and superintendence shall be vested in the Magistrates and Joint Magistrates, acting under the instructions of the Zillah and City Judges, and that the Magistrates, Joint Magistrates and Zillah and City Judges, shall be guided in regard to all matters relating to the Gaols under their charge, the Prisoners confined

in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, by such orders as they may receive from their respective Local Governments.

BOMBAY.—TOWN DUTIES.

ACT No. XIX. OF 1844.

[*Passed on the* 14*th September*, 1844.

Abolishes all Taxes on Trades and Professions.

An Act for abolishing Town Duties and Mookauts, and all Taxes upon Trades and Professions within the Presidency of Bombay.

It is hereby enacted, that from the 1st day of October, 1844, all Town Duties, Kusub Veeras, Mohturfas, Ballootee Taxes, and Cesses of every kind on Trades or Professions, under whatsoever name levied within the Presidency of Bombay, and not forming a part of the Land Revenue, shall be abolished.

FACTORS' ACT.

ACT No. XX. OF 1844.

[*Passed on the* 26*th September*, 1844.

Recites Act XIII. of 1840, and statute 5 and 6 Vict., c. 39, and enacts that the 5 and 6 Vic. shall be extended to Territories of the E. I. Company.

5 AND 6 VICT., C. 39, AS ALTERED BY THIS ACT.

Title. An Act to amend the law relating to advances *bonâ fide* made to agents intrusted with goods.

1. Recites 6 Geo. 4, c. 94. Enacts that Agent intrusted with goods, or documents of title to goods, shall be deemed the owner thereof so far as to give validity to a pledge, lien, or security of or upon the same, for any loan, advance &c., notwithstanding he be known to be only an agent.

2. Pledge of goods, lien, or security by agent, in consideration of delivery or transfer of other goods or title to goods by a person having a lien, &c. thereon in respect to a previous advance, if *bonâ fide*, shall be valid to the same extent in value as the lien on the goods delivered up or transferred.

3. This Act is to make valid and protect such contracts, loans, advances, and exchanges only as are made *bonâ fide*, and without notice that the agent has not authority to make them, or is acting *malâ fide* as against his principal

the owner. Act also not to protect lien or pledge made or given by agent for antecedent debt; and not to authorize agent to deviate from orders of owner.

4. Defines the meaning of the term, "Document of title." Agent intrusted with goods, or document of title to goods, whether immediately by owner, &c, shall be deemed instrusted with the goods themselves, &c. Contract made with clerk of agent, to be deemed made with the agent. Payment made, whether by money or negotiable security, to be deemed an advance.

5. This Act not to lessen, &c., the civil responsibility of the agent for breach of duty, &c.

6. If agent, without authority, &c., for his own benefit, &c., shall make any consignment, &c, of goods or documents, by way of pledge, &c., or accept any advance on the faith of contract to consign, &c., such agent shall be deemed guilty of misdemeanor, and be liable to transportation, &c. And clerk or other person knowingly and wilfully assisting such agent in unlawful act shall be deemed guilty of misdemeanor, &c. Provided that agent shall not be liable to prosecution for making such consignment, &c., if such consigument, &c., be not made as security for a greater sum than may be due to him from his principal. Conviction of agent not to be evidence against him in action at law, &c., nor shall his own statements under compulsory process be used against him on prosecution.

7. Act not to prevent owner of goods, &c., from having the right to redeem, &c., upon repayment of lien or pledge before sale, nor to prevent his recovering from pledge the balance over and above amount of his lien, if goods are sold. In case of bankruptcy of agent, owner of goods may prove against his estate the amount paid to redeem the goods, &c.

8. Defines the word "Person," and gives rules of interpretation.

9. Act not to affect contracts made before the passing thereof.

An Act to amend the Law relating to Advances *bonâ fide* made to Agents intrusted with Goods, by extending to the Territories of the East India Company, in cases governed by English Law, the Provisions of the Statute 5 any 6 Victoria. c. 39, as altered by this Act.

Whereas by Act XIII. of 1840, the Provisions of the Statute 4, Geo. IV., c. 83, as altered and amended by the Statute 6, Geo. IV., c. 94, were extended to the Territories of the East India Company, in cases governed by English Law; and whereas by the Statute 5 and 6, Victoria, c. 39, the said Statute 6, Geo. IV., c. 94, is altered and amended; and the Provisions thereof are extended:

It is hereby enacted, that the Statute 5 and 6, Victoria, c. 39, as altered by this Act, shall, from and after the passing of this

Act, be extended to the Territories of the East India Company; provided always that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the last-mentioned Statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company and as altered by this Act, is as follows:—

5 AND 6 VICT., CHAP. 39, AS ALTERED BY THIS ACT.

An Act to amend the Law relating to advances *bonâ fide* made to Agents intrusted with Goods:

I. Whereas by an Act passed in the 6th Year of the Reign of His late Majesty King George the Fourth, intituled an Act to alter and amend an Act for the better protection of the property of Merchants and others who may hereafter enter into contracts or agreements in relation to Goods, Wares and Merchandize intrusted to Factors or Agents, validity is given, under certain circumstances, to contracts or agreements made with persons intrusted with, and in possession of the Documents of Title to Goods and Merchandize, and Consignees making Advances to persons abroad, who are intrusted with any Goods and Merchandize, are entitled, under certain circumstances, to a lien thereon, but under the said Act, and the present state of the Law, Advances cannot safely be made upon Goods or Documents to persons known to have possession thereof as Agents only: And whereas by the said Act it is, amongst other things, further enacted, "that it shall be lawful to and for any person to contract with any Agent intrusted with any Goods, or to whom the same may be consigned, for the purchase of any such Goods, and to receive the same of and to pay for the same to such Agent, and such contract and payment shall be binding upon and good against the Owner of such Goods, notwithstanding such person shall have notice that the person making such contract, or on whose behalf such contract is made, is an Agent; provided such contract or payments be made in the usual and ordinary course of business, and that such person shall not, when such contract is entered into, or payment made, have notice that such Agent is not authorized to sell the same, or to receive the said Purchase Money." And whereas Advances on the Security of Goods or Merchandize have

become an usual and ordinary course of business, and it is expedient and necessary that reasonable and safe facilities should be afforded thereto, and that the same protection and validity should be extended to *bonâ fide* Advances upon Goods and Merchandize as by the said recited Act is given to sales, and that Owners intrusting Agents with the possession of Goods or Merchandize, or of Documents of title thereto, should in all cases where such Owners, by the said recited Act or otherwise, would be bound by a contract or agreement of sale be in like manner bound by any contract or agreement of pledge or lien for any Advances *bonâ fide* made on the Security thereof. And whereas much litigation has arisen on the construction of the said recited Act, and the same does not extend to protect Exchanges of Securities *bonâ fide* made, and so much uncertainty exists in respect thereof, that it is expedient to alter and amend the same, and to extend the Provisions thereof, and to put the Law on a clear and certain basis: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, any Agent who shall thereafter be intrusted with the possession of Goods or of the documents of Title to Goods, shall be deemed and taken to be Owner of such Goods and Documents, so far as to give validity to any contract or agreement by way of pledge, lien, or security *bonâ fide* made by any person with such Agent so intrusted as aforesaid, as well for any original Loan Advance, or Payment made upon the Security of such Goods or Documents, as also for any further or continuing Advance in respect thereof, and such contract or agreement shall be binding upon and good against the Owner of such Goods, and all other persons interested therein, notwithstanding the person claiming such pledge or lien may have had notice that the person with whom such contract or agreement is made is only an Agent.

II. And be it enacted, that where any such contract or agreement for pledge, lien or security shall be made in consideration of the delivery or transfer to such Agent of any other Goods or Merchandize, or Document of Title or Negotiable Security, upon which the person so delivering up the same had at the time a valid and available lien and security for or in respect of a previous

Advance, by virtue of some contract or agreement made with such Agent, such contract and agreement, if *bonâ fide* on the part of the person with whom the same may be made, shall be deemed to be a contract made in consideration of an Advance within the true intent and meaning of this Act, and shall be as valid and effectual, to all intents and purposes, and to the same extent, as if the consideration for the same had been a *bonâ fide* present advance of money. Provided always that the lien acquired under such last mentioned contract or agreement upon the Goods or Documents deposited in exchange, shall not exceed the value at the time of the Goods and Merchandize which, or the Documents of Title to which, or the Negotiable Security which shall be delivered up and exchanged.

III. Provided always, and be it enacted, that this Act and every matter and thing herein contained, shall be deemed and construed to give validity to such contracts and agreements only, and to protect only such Loans, advances, and Exchanges, as shall be made *bonâ fide*, and without notice that the Agent making such contracts or agreements as aforesaid has not authority to make the same, or is acting *mala fide* in respect thereof against the Owner of such Goods and Merchandize; and nothing herein contained shall be construed to extend to or protect any lien or pledge for or in respect of any antecedent debt, owing from any Agent to any person with or to whom such lien or pledge shall be given, nor to authorize any Agent intrusted as aforesaid in deviating from any express orders or authority received from the Owner; but for that purpose and to the intent of protecting all such *bonâ fide* Loans, Advances, and Exchanges, as aforesaid (though made with notice of such Agent not being the Owner, but without any notice of the Agent's acting without authority), and to no further, or other intent or purpose, such contract or agreement as aforesaid shall be binding on the Owners and all other persons interested in such Goods.

IV. And be it enacted, that any Bill of Lading India Warrant, Dock Warrant, Warehouse Keeper's Certificate, Warrant or Order for the delivery of Goods, or any other Document used in the ordinary course of business as proof of the possession or control of Goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such Document

to transfer or receive Goods thereby represented, shall be deemed and taken to be a document of Title within the meaning of this Act; and any Agent intrusted as aforesaid and possessed of any such Document of Title, whether derived immediately from the Owner of such Goods, or obtained by reason of such Agent's having been intrusted with the possession of the Goods, or of any other Document of Title thereto, shall be deemed and taken to have been intrusted with the possession of the Goods represented by such Document of Title as aforesaid, and all contracts, pledging or giving a lien upon such Document of Title as aforesaid, shall be deemed and taken to be respectively pledges of and liens upon the Goods to which the same relates, and such Agent shall be deemed to be possessed of such Goods or Documents, whether the same shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf, and where any Loan or Advance shall be *bonâ fide* made to any Agent intrusted with and in possession of any such Goods or Documents of Title as aforesaid, on the faith of any contract or agreement in writing to consign, deposit, transfer or deliver such Goods or Documents of Title as aforesaid, and such Goods or Documents of Title shall actually be received by the person making such Loan or Advance, without notice that such Agent was not authorized to make such pledge or security, every such Loan or Advance shall be deemed and taken to be a Loan or Advance on the security of such Goods or Documents of Title within the meaning of this Act, though such Goods or Documents of Title shall not actually be received by the person making such Loan or Advance till the period subsequent thereto; and any contract or agreement, whether made direct with such Agent as aforesaid, or with any Clerk or other person on his behalf, shall be deemed a contract or agreement with such Agent; and any payment made, whether by money or Bills of Exchange, or other Negotiable Security, shall be deemed and taken to be an advance within the meaning of this Act; and an Agent in possession as aforesaid of such Goods or Documents shall be taken, for the purpose of this Act, to have been intrusted therewith by the Owner thereof unless the contrary can be shown in evidence.

V. Provided always, and be it enacted, that nothing herein contained shall lessen, vary, alter or affect the civil responsibility

of an Agent for any breach of duty or contract, or non-fulfilment of his orders or authority in respect of any such contract, agreement, lien, or pledge as aforesaid.

VI. Provided always, and be it enacted, that if any Agent intrusted as aforesaid, shall, contrary to or without the authority of his principal in that behalf, for his own benefit and in violation of good faith, make any consignment, deposit, transfer, or delivery of any Goods or Documents of Title so intrusted to him as aforesaid, as and by way of a pledge, lien, or security; or shall, contrary to or without such authority, for his own benefit and in violation of good faith, accept any Advance on the faith of any contract or agreement to consign, deposit, transfer or deliver such Goods or Documents of Title as aforesaid, every such Agent shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be sentenced to transportation for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and every Clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such Advance as aforesaid, shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court shall award, as herein before last mentioned. Provided nevertheless that no such Agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such consignment, deposit, transfer, or delivery, was justly due and owing to such Agent from his Principal, together with the amount of any Bills of Exchange drawn by or on account of such Principal, and accepted by such Agent. Provided also, that the conviction of any such Agent, so convicted as aforesaid, shall not be received in evidence in any action at Law or suit in Equity against him, and no Agent intrusted as aforesaid shall be liable to be convicted by any evidence whatsoever in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed such act, on oath, in consequence of any compulsory process of any Court of Law,

or Equity, in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any Commissioner of Bankrupt or of any Insolvent Court.

VII. Provided also, and be it enacted, that nothing herein contained shall prevent such Owner as aforesaid from having the right to redeem such Goods or Documents of Title, pledged as aforesaid, at any time before such Goods shall have been sold, upon repayment of the amount of the lien thereon, or restoration of the securities in respect of which such lien may exist, and upon payment or satisfaction to such Agent, if by him required, of any sum of money for or in respect of which such Agent would by law be entitled to retain the Goods or Documents, or any of them, by way of lien as against such Owner, or to prevent the said Owner from recovering of and from such persons with whom any such Goods or Documents may have been pledged, or who shall have any such lien thereon as aforesaid, any balance or sum of money remaining in his hands as the produce of the sale of such Goods after deducting the amount of the lien of such person under such contract or agreement as aforesaid. Provided always that in case of the Bankruptcy or Insolvency of any such Agent, the Owner of the Goods which shall have been so redeemed by such Owner as aforesaid, shall, in respect of the sum paid by him on account of such Agent for such redemption, be held to have paid such sum for the use of such Agent before his Bankruptcy or Insolvency, or in case the Goods shall not be so redeemed, the Owner shall be deemed a creditor of such Agent for the value of the Goods so pledged at the time of the pledge, and shall, if he shall think fit, be entitled, in either of such cases, to prove for or set off the sum so paid, or the value of such Goods, as the case may be.

VIII. And be it enacted, that in construing this Act the word "Person" shall be taken to designate a Body Corporate or Company as well as an Individual, and that words in the singular number shall, when necessary to give effect to the intention of the said Act, import also the plural, and *vice versa*, and words used in the masculine gender shall, when required, be taken to apply to a female as well as a male.

IX. Provided also, and be it enacted, that nothing herein con-

tained shall be construed to give validity to or in anywise to affect any contract, agreement, lien, pledge, or other act, matter, or thing made or done before the passing of this Act.

EMIGRATION.—JAMAICA, BRITISH GUIANA, TRINIDAD.

ACT No. XXI. OF 1844.

[*Passed on the* 16*th November*, 1844.

1. Repeals Act XIV. of 1839. so far as applicable to emigration of natives, &c., to Jamaica, British Guiana, and Trinidad.

2. Emigration of laborers, natives of India, to Jamaica, British Guiana, and Trinidad, from Calcutta, Madras, and Bombay, allowed.

3. Emigration Agents with after-mentioned powers, may be nominated by the Governments of Jamaica, British Guiana, and Trinidad and authorized by Presidency Government to act as such. Emigration Agent to report monthly.

4. Presidency Governments respectively to nominate a Protector of Emigrants.

5. No vessel to carry such Emigrant laborers to Jamaica, &c., without a licence, for which licence one Rupee may be charged, &c. Granting licence to be discretionary with Government. Master of licensed ship to enter into bond to conform to regulations of this Act.

6 Emigrant laborer not to be received on board, unless he has a pass from Emigrant Agent countersigned by Protector of Emigrants. Pass to state, &c.

7. Before the ship licensed to carry Emigrants is cleared, Master must obtain from Emigration Agent a certificate to effect stated in Act, viz. (1) that such Agent has complied with requisition of this Act, (2) that directions of Act for ensuring health, &c., of passengers have been complied with (3), that any rule ordained by G. G. in C. have been complied with.

8. Probable length of voyages to America, &c., to be deemed how many weeks, &c. Emigrant vessels to sail from ports only between 30th Sept. and 1st March.

9. Before vessels sail from port, the Master shall deliver to Emigration Agent list specified in Art. 10 of this Act, &c.

10. Master taking Emigrant on board, or clearing ship, without first complying with requirements of this Act, to be liable to penalty, &c., for every Emigrant on Board.

11. Master taking Emigrant on board and not inserting him in list, &c., or without obtaining duplicate mentioned in Art. 10 of Schedule, to be liable to penalty, &c.

12. Master obtaining proper certificate, and subsequently doing or suffering to be done any thing in fraud of certificate to be liable to penalty, &c., besides incurring forfeiture of bond, &c.

13. Officers of Customs to have the like powers of searching and detaining ships for prevention of illegal deportation of Emigrants, as for prevention of smuggling, and Pilots to have same powers as Officers of Customs.

14. Persons attempting, by means of intoxication, false imprisonment or crimping, to export natives contrary to provisions of this Act, to be liable to fine or imprisonment by Magistrate or to be indicted.

15. When Emigrant vessel clears from Calcutta, Customs Officer shall countersign the pass brought on board by Emigrant, and keep a Register of Emigrants on board. Officer to remain in ship till arrived in Saugor roads, and crew, passengers, and Emigrants to be mustered, &c., before he leaves. Pilot to do duties, &c., after Customs Officer has left. Customs Officer and Pilot to report, &c., and be liable to penalty, for making false, &c., report or conniving at illegal embarkation of Emigrant laborers.

16. Forgery of any document required by this Act to be punishable by imprisonment, &c.

17. Penalties, how to be enforced.

Schedule. (1) Empowers Governors of Jamaica, &c., to nominate Emigration Agents. (2) Agent to be remunerated by salary. (3) Duties prescribed for Agent. (4) Ship not to have more than one passenger for every two tons of registered tonnage. No ship, having more than one deck, to carry Emigrants, unless there be six feet in height, between decks, &c. (5) Two children under age of ten, to be reckoned as equal to one person. (6) What provisions shall be laden on board Emigrant ship, in proportion to number of passengers. (7) Before ship is cleared, provisions and water on board shall be surveyed, &c., and certified, &c. (8) Master to furnish a sufficient quantity of provisions, &c., to every Emigrant, &c. (9) Copies of these Regulations to be delivered by Agent to Master, and produced by Master to passenger on request. (10) Master to deliver list, &c., of Emigrants to Agents, at port of clearance and counterpart to Protector at port of destination. (11) These Regulations not to apply to Admiralty vessels nor to H.M.'s ships of war.

An Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to Jamaica, British Guiana, and Trinidad.

Repealed as respects Emigration from Calcutta by Act IV., 1852. Repealed by Act XIII., 1864.

COPPER COINAGE.

Act No. XXII. of 1844.

[*Passed on the 28th December*, 1844.

1. Pice, double pice, and pie, weighing as specified, to be the only copper coin.

2. Pice, double pice, and pie, to be legal tenders respectively for $\frac{1}{64}$, $\frac{1}{32}$, and $\frac{1}{192}$, of Company's Rupees.

3. Bombay coins of above weight, &c., to be legal tender for like amounts.

4. Copper coins to be legal tender only for fractions of rupee.

An Act for regulating the Copper Coinage of the Mints in the Territories of the East India Company.

I. It is hereby enacted, that from and after the passing of this Act the following Copper Coins *only* shall be issued from any Mint within the Territories of the East India Company:—

1. A Pice weighing... ... .. 100 Grains Troy.
2. A Double Pice ... ... 200 „ „
3. A Pie of one-twelfth of an anna-piece ... ... $33\frac{1}{3}$ „ „

with such devices as shall be fixed for the same by the Governor General in Council. [Repealed by Act XI., 1854, as respects the word "only" and half pice authorized to be issued.]

II. And it is hereby enacted, that from and after the passing of this Act, the said Pice shall be a legal tender throughout the Territories of the East India Company for 1-64 of the Company's Rupee, and the said Double Pice for 1-32 of the Company's Rupee, and the said Pie for 1-192 of the Company's Rupee.

III. And it is hereby enacted, that all Copper Coins of the weight specified in Section I. of this Act which may have been issued since the passing of Act XXI. of 1835, from any Mint within the Presidency of Bombay, shall be legal tender respectively for the values specified in Section II. of this Act within that Presidency.

IV. Provided always, that none of the said Copper Coins shall be legal tender except for fractions of a Rupee.

Extended, except s. 3, by Act XVII., 1855, to Straits' Settlements, which established a legal tender for the dollar.

Repealed by Act XIII., 1862, s. 1.

BENGAL.—REVENUE SALE LAW.

Act No. I. of 1845.

[*Passed on the* 11*th January*, 1845.

1. Repeals Section 3, and all the following Sections of Act 12, 1841.

2. Defines an arrear to be any portion of a kist of one month, remaining unpaid on the first of the following month.

3. The Sudder Board of Revenue shall determine upon what days all arrears of Revenue and demands recoverable as such shall be paid in the permanently-settled districts, and in default of payment, the estates in arrear shall be sold by auction Board to give notice of days fixed for payment.

4. In districts not permanently settled, and in the province of Benares, no sale shall take place, &c., without special sanction of Board of Revenue in each several case.

5. No estates shall be sold for arrears of the six specified descriptions until after 15 days' notice, &c., specifying the nature and amount of the arrear, &c., and the latest day of payment, in the office of the Collector, &c, in the Courts of the Judge, &c., in the Court of the P. S. A., S. A., &c., and in the Court of the Moonsiff, &c., Police Thanna, &c., &c.

6. Collector, &c., shall as soon as possible, after latest day of payment, give not less than 15 nor more than 30 days' notice, specifying estates to be sold and sale days. No payment to be received after latest specified day.

7. When estate is notified for sale, Collector, &c., shall give notice to the ryots, &c., not to pay rent to defaulter, on pain of not having credit for payment thereof, in account with purchaser.

8 No claim to abatement, &c., of revenue unless allowed by Government, nor any private demand by defaulter against Government, nor money of defaulter in the hands of Collector, unless it stands in defaulter's name alone and without dispute, and unless after application made in due time to the Collector shall bar a sale, or render a sale void or voidable.

9. Collector, at any time before sunset of the latest day for payment, shall receive deposit of arrears from any person not being proprietor, to be carried to credit at sunset of that day, unless arrears are in the meantime paid by proprietor. If the party making deposit be a suitor in same Court for the estate, he may be put in possession, under the usual rules; or if he make the deposit for protection of an interest, he may recover the amount with interest from the proprietors of the estate.

10. No estate shall be liable to sale for arrears accrued while it was under Court of Wards, nor estate of minor acquired by inheritance, &c., of which Court of Wards has not taken management; nor estate under attachment by the Revenue authorities, until after the end of the year in which the arrears accrued.

11. Collector, &c., may, for special reasons to be recorded, exempt an estate from sale.

12. Sales to be made at Cutcherry of Collector unless otherwise ordered by Sudder Board.

13. If Collector is unable, from sickness, &c., to commence sale, or to complete it on fixed day, he may adjourn to the next day, not being Sunday or holiday, &c.

14. Estates to be sold in the order in which they stand on the Towjee, except in case of buyer not paying his deposit.

15. Purchaser to deposit in Cash, Bank Notes, Post Bills, or Government Securities, 25 per cent. of his purchase money, or in default estate to be put up again.

16. Entire purchase money to be paid in 30 days from day of sale, or in default, deposit to be forfeited and estate sold again, and loss on re-sale to be borne by defaulter. Re-sale to be made in forms prescribed by Section 6.

17. Commissioner of Revenue may receive an appeal within 15 days after sale, and annul sale, and award compensation in certain cases to purchaser, but not exceeding interest on his deposit, &c.

18. In case of hardship or injustice, the Commissioner may suspend passing final orders and represent case to the Sudder Board, who may recommend the Local Government to annul the sale, &c.

19. Sales to be final, unless appealed against within 30 days, or in case appeal has been dismissed.

20. Collector to give purchaser Certificate of Title. Form of Certificate. Transfer to be proclaimed in Cutcherry, &c. Purchase money how to be applied.

21. Suit to oust the certified purchaser on ground that purchase was made for another, to be dismissed with costs.

22. Annulment of sale to be notified by Collector, &c. Purchase money to be returned to purchaser, with interest, &c.

23. Party certified as proprietor by purchase shall be answerable for revenue fallen due subsequently to the latest day of payment.

24. Sale not to be set aside, unless contrary to the provisions of this Act, &c. Sale not to be contested by any person who has received part of the purchase money. Person aggrieved by sale to have his action for damages.

25. If sale is reversed, purchase money shall be repaid by Government with interest.

26. Purchaser shall take the estate free from incumbrances, and may enhance the rents of under-tenures, and eject the tenants, except in 5 specified cases.

27. The purchaser shall take the estate free from incumbrances imposed subsequent to last settlement, and may annual all tenures or agreements subsequent to last settlement, &c. Proviso against purchaser demanding higher amount of rent than was demandable by former Malgoozar, except where rent was reduced by abatements granted by special favour of such Malgoozar.

28. Before sale is made, Local Government may direct it to be made subject to leases, assignments or other incumbrances. Notice of such condition to be given; but such restricted sale may be cancelled, and re-sale without restrictions made, except in specified cases, if the future realization of the Revenue is endangered. Estate once sold subject to incumbrances may, at any future sale, be sold without restrictions.

29. Excepting co-partners under Butwarrah, &c., proprietor of Estate purchasing it himself, &c., shall re-acquire subject to all incumbrances. Estates sold for arrears due in respect of other Estates shall be taken subject to incumbrances.

30. Arrears of rent due from tenants to defaulter at date of sale may be recovered by any process except distraint, &c.

31. Any Collector, &c., in respect to sales, may punish contempt committed in his presence, in open Cutcherry, &c., to extent of 200 Rupees, commutable to one month's imprisonment, &c., subject to an appeal to the Revenue Commissioner.

32. A default to make good a bid by paying deposit shall be held a contempt.

33. Act to be confined to Bengal, Behar, Orissa, and Benares, now subject to Regulations, and to the Ceded and Conquered Provinces, &c., and not to extend to Calcutta or Straits, Settlements.

An Act to amend Act No. XII. of 1841, entitled "An Act for Amending the Bengal Code in regard to Sales of Land for Arrears of Revenue."

Whereas it is found expedient to amend the existing Law for the realization of the Land Revenue.

I. It is hereby enacted, that from the last day of February, 1845, the third and following Sections of Act No. XII. of 1841 are repealed. (*a*)

(*a*) The greater part of this Act, is a literal re-enactment of Act 12, 1841. The most important alterations are in the 3rd and 6th Sections. Their object is, to give notice to the public of every Estate which is in arrear, and of its liability to be sold, unless the arrears are paid on or before a day so notified. Also to inform mortgagees and other non-resident or distant proprietors of the danger in which the Estate is placed, and thereby to protect them against the negligence or fraud of agents or Mookhtears.

By the former law, certain fixed and general sale days for all estates in arrear were annually appointed by the Sudder Board of Revenue. But what Estates would be sold, could be known only to the Collector, to his officer, and, at the time of sale, to the persons attending the sale; because the arrears were payable until sunset of the next preceding day. The sale day was known by reason of the general orders of the Board of Revenue, but not the particulars of sale, because, practically speaking, there was no interval between the sale and the forfeiture of the property.

The alteration made in this respect is as follows:—The Sudder Board instead of appointing, as before, by notice in the Gazette, certain general sale days, is directed to appoint what may be called certain extreme general *pay days*, and arrears will be receivable from the defaulters until sunset of the last pay day, but not after. If the arrears are not paid on the last pay day, the Collectors, who, of course, will act in this important matter under the orders of the Board of Revenue, will advertise the property for sale in the manner pointed out hereafter. This advertisement is new, and is the great boon conferred by this Act.

II. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the era, according to which the settlement and kistbundee of any Mehal have been regulated be unpaid on the first of the following month of such era, the sums so remaining unpaid shall be considered an arrear of Revenue.

III. And it is hereby enacted, that upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall determine upon what dates all arrears of Revenue and all demands, which by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue, shall be paid-up in each permanently-settled District or Zillah under their jurisdiction, in default of which payment the Estates in arrear in those Districts, except as hereinafter provided, shall be sold at public auction, to the highest bidder. And the said Board shall give notice of the dates so fixed in the Official Gazettes, and shall direct corresponding publication to be made, as far as regards each District, in the language of that District, in the office of the Collector or Deputy-Collector, or other Officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate (or Joint Magistrate, as the case may be), Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, and at every Thannah Station, of that District; and the dates so fixed shall not be changed, except by the said Board by advertisement and notifications, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are to take effect.

IV. And it is hereby enacted, that in Districts not permanently settled, and in the Province of Benares, no sale shall take place for arrears of Land Revenue or other demands of Government, without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale. Provided that the said Board, at the time of authorizing such sale, shall fix the latest day on which in each case such arrears or demands shall be received. (*b*)

The first and second Sections of Act XII., 1841, are the only ones left unrepealed.

(*b*) This is a re-enactment of Section 4, Act XII, 1841, down to the word "provided," the proviso from that word inclusive is new.

V. Provided always and it is hereby enacted, that no Estates shall be sold for the recovery of arrears or demands of the descriptions mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed, for a period of not less than fifteen clear days, preceding the date fixed for payment, according to Section III. or IV. of this Act, as the case may be, in the office of the Collector, or other Officer duly authorised to hold sales under this Act, in the Court of the Judge, within whose jurisdiction the land advertised lies, in the Courts of the Principal Sudder Ameens, and Sudder Ameens of the District, and in the Moonsiff's Court and Police Thannah of the Division in which the Estate to which the Notification relates, or a part of it, is situated—the same to be certified by the receipt of the Officer at whose office such Notification may have been affixed; and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, the same to be certified by the Peon or other person employed for the purpose—(*c*)

First.—Arrears due from Estates in the Province of Benares.

Secondly.—Arrears due from Estates not permanently settled.

Thirdly.—Arrears other than those of the current or of the preceding year.

Fourthly.—Arrears due on account of Estates other than that to be sold.

Fifthly.—Arrears of Estates under attachment by order of any Judicial Authority.

Sixthly.—Arrears due on account of Tuccavee, Poolbundee, or other demands, not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

VI. And it is hereby enacted, that the Collector or other Officer duly authorized to hold sales under this Act, shall, as soon as possible, after the latest day of payment fixed in the manner prescribed in Section III. or IV. of this Act, issue notifications in the language of the District, to be affixed in his own office, and in the

(*c*) This Section corresponds in subject, with Section 8, of Act XII., 1841, and varies from it only in requiring the latest date on which payment of revenue will be received to be notified; and in expressly mentioning estates in the province of Benares.

Court of the Judge of the District, and to be published in the Official Gazettes, specifying the Estate or Estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from the date of affixing the notification in the office of the Collector, or other officer as aforesaid. And, except as hereinafter provided, all estates so specified shall on the day notified for sale, or on the day or days following, be put up to public auction by, and in the presence of, the Collector, or other Officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made subsequent to sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale, or after its conclusion. (*d*)

VII. And it is hereby enacted, that whenever an estate is notified for sale as provided for by section VI. of this Act the Collector or other Officer as aforesaid, shall affix a proclamation in the language of the District in his own Office, and as soon thereafter as may be in the Moonsiffs' Courts and Police Thannas within which the estate or any part of it is situated; and also at the Cutcherry of the Malgoozar of the estate; or at some conspicuous place upon the estate, forbidding the ryots and under-tenants of such estate to pay rent to the defaulting proprietors from the date of the day after that fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid after the date aforesaid.

VIII. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless after application in due

(*d*) The first part of this Section is new. See Ante note (*a*). The remainder of the Section, beginning with the exception, is a re-enactment of Act XII., 1841, s 6.

time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

IX. And it is hereby enacted, that Collectors shall, at any time before sunset of the latest day of payment, receive as a deposit from any party not being a proprietor of the estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate. And in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such estate is situated, to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the cases of appellants and defendants And if the party depositing, whose money shall have been credited as aforesaid, shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered, or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit with interest, from the proprietors of the said estate.

X. And it is hereby enacted, that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI., 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of

arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector at any time before the sale of an estate shall have commenced to exempt such estate from sale; and in like manner it shall be competent to the Commissioner of Revenue at any time before the sale of an estate shall have commenced, to exempt such estate from sale, by a special order to the Collector to that effect in each case, and no sale of an estate shall be legal if held after the receipt of an order of exemption in respect to such estate. Provided, however, that it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District; provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector, or other Officer as aforesaid, shall be unable, from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry: and so on, from day to day, until he shall be able to commence upon or to complete the sale, but with the exception of adjournments so made, recorded, and reported, each shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted, that on the day of sale, fixed according to Section VI. of this Act, sales shall proceed in regu-

lar order—the Estates to be sold bearing the lowest number on the Towjee or Registers in use in the Collector's Office of the District, being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid to put up any Estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in Section XV. of this Act. (*e*)

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale of the estate as the Collector may think necessary, either in Cash Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the estate shall forthwith, be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the Estate bought by him took place, reckoning that day as one of the thirty; or if the thirieth day be a Sunday, or other close holiday, then on the first office day after the thirtieth; and in default of payment within the prescribed period as aforesaid, then and afterwards, as often as such default shall occur, the deposit shall be forfeited to Government, the Estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the Estate, or to any part of the sum for which it may subsequently be sold. And in the event of the proceeds of the sale which may be eventually consummated, being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public Revenue; and it shall be so levied and credited to the defaulting Proprietor of the Estate sold; and

(*e*) A re-enactment of Section 14, of Act XII., 1841, down to the Excepton. The Exception is intended to enable the Collector to put up an Estate again at the same auction, if the first purchaser fails to pay his deposit. But if an Estate is put up a second time, after the bidders on the first occasion are gone, it is evident a great sacrifice would be made of the property. Section 16, which also provides for a re-sale, applies to the case in which the deposit is paid, but the purchase money not completed; but, Section 15, to the case in which the deposit is not paid.

if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VI. of this Act, and that such notification shall not be issued until the expiration of three clear days after the day on which the default shall have occurred. Provided also, that payment or tender of payment, by or on behalf of the Proprietor of the arrear for which the Estate was first sold, and of the arrear which may have subsequently become due, if such payment be made before sunset of the day preceding the day of the notification of re-sale, and after the defaulting purchaser shall have made the deposit required by Section XV. of this Act, shall bar such re-sale. (*f*)

XVII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI., or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise: and the Commissioner shall be competent in every case of appeal so preferred to annul any sale of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

XVIII. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injustice to suspend the passing of final orders in any case of appeal

(*f*) A re-enactment of Section 16, down to the concluding Proviso for a notification three days after default, and what follows, which are new, and the last very important a mitigation of the severity of the law of forfeiture.

from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case, may annul the sale and cause the estate to be restored to the proprietor on such conditions as may appear equitable and proper.

XIX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale, as the first of the said thirty days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

XX. And it is hereby enacted, that, immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid, shall give to the purchaser a Certificate of title in the following form:—

> I certify that A. B. has purchased at Public Auction under Act I. of 1845, Mehal C., and that his purchase has taken effect on and since the ——— day of ——— (being the date of the day after that fixed for the last day of payment).
>
> (Signed) D. E. *Collector.*

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate sold being vested in the person or persons named from the date specified: and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the estate or on some conspicuous place on the estate; and shall apply the purchase money first to the liquidation of all arrears due upon the latest day of payment; and secondly, to the liquidation of all outstanding demands debited to the Mehal in the Public Accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors

of the estate sold, to be paid to their receipt on demand in the manner following, to wit: in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the proprietor of the estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept and in satisfaction of decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXI. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XX. of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current public securities from the dates on which they were respectively paid in to the date on which the refund is actually made.

XXIII. And it is hereby enacted, that the party certified as the Proprietor of an Estate by purchase at public sale for the recovery of arrears of Revenue, shall be answerable for all instalments of the Revenue of Government which may fall due subsequently to the latest day of payment aforesaid (*g*)

(*g*) A re-enactment of Section 24, except that the day from which the responsibility of the purchaser commences is altered in terms to correspond with the previous alteration made by this Act.

XXIV. And it is hereby enacted, that no sale for arrears of Revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice, except upon the ground of its having been made contrary to the provisions of this Act: And, except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner under Section XVII. of this Act, and except the action in the Civil Court be instituted within one year from the date of the sale becoming final and conclusive, as provided in Section XIX. of this Act: And no person shall be entitled to contest the legality of a sale after having received any portion of the purchase-money. Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXV. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase-money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

XXVI. And it is hereby enacted, that the purchaser of an estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently-settled districts of Bengal, Behar, Orissa, and Benares, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled, after notice given under Section X., Regulation V., 1812, to enhance at discretion (anything in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:—

First. Tenures which were held as Istemrarree or Mocurrerree at a fixed rent, more than 12 years before the Permanent Settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be

liable to increase of assessment, on the grounds stated in Section LI., Regulation VIII., of 1793

Thirdly. Lands held by Khood Kasht or Kudeemee Ryots having rights of occupancy at fixed rents, or at rents assessable according to fixed rules, under the Regulations in force.

Fourthly. Lands held under *bonâ fide* leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their date. Provided that a written notice, specifying full particulars of the position, rent, and area of the lands, the terms of the lease and the names of the parties, shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an estate at a sale for arrears of Revenue shall be at liberty, by suit in Court, to set aside all such farms, although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents. [The law on the subject of enhancement of rents is altered by Act X., 1859; but the entire Act, I., 1845, is repealed by Act XI., 1859.]

XXVII. And it is hereby enacted, that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVI. shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of Settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his pre-

decessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like, settled or credited by the first engager or his representatives, subsequently to the last Settlement, as well as all tenures which the first engager may, under the conditions of his Settlement, have been competent to set aside, alter, or renew, saving always and except *bonâ fide* leases of ground for the erection of dwelling houses or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the pergunnah, mouzah, or other local division, such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXVIII. And it is hereby enacted, that it shall be competent to the Local Government when it shall seem proper at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments or other incumbrances, with which a proprietor in possession, his ancestors, or predecessors may have burthened his assessed estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that, by reason of the restriction, the future realisation of the Revenue will be endangered,

it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XIX. of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVI. of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the Mehal shall be sold without any other restriction than those contained in the exception specified in Clauses 1 to 5 of Sec. XXVI. of this Act, or with the reservation before reserved. In the former event, should the purchase money realised by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

XXIX. And it is hereby enacted, that excepting copartners of estates under Butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX., 1814, any recorded or unrecorded proprietor or copartner who may purchase in his own name or in the name of another the estate of which he is proprietor or copartner, or who by re-purchase or otherwise, may recover possession of the said estate after it has been sold for arrears under this Act: and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its incumbrances existing at the time of sale and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

XXX. And it is hereby enacted, that arrears of rent which, on the latest day of payment, may be due to the defaulter from his tenants, shall, in the event of a sale, be recoverable by him after the said latest day, by any process except distraint, which might have been used by him for that purpose, on or before the said latest day.

XXXI. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or office for the time being, by fine, to an extent not exceeding Company's Rupees 200, commutable, if not paid, to imprisonment in the civil gaol for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV. of this Act shall be held to be a contempt.

XXXIII. And it it hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa, and Benares, now subject to the General Regulations, and to the Ceded and Conquered Provinces similarly subject to the General Regulations under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta or the Settléments of Singapore, Penang, or Malacca.

Repealed by Act XI. of 1859, the first 37 sections of which contain the Laws relating to the sale of Estates for Arrears of Revenue in the Lower Provinces of Bengal.

BOMBAY.—ADULTERY.

Act No. II. of 1845.

[*Passed on the* 18*th January*, 1845.

1. Person convicted of adultery liable to fine or imprisonment or both, and to no other punishment.

2. Woman may be prosecuted for adultery only by her husband, and man only by husband of the woman with whom adultery is alleged to have been committed.

An Act for regulating the punishment of Adultery in the

Courts of the East India Company, in the Territories subject to the Presidency of Bombay.

Repealed by Act XVII., 1862, and superseded by Indian Penal Code.

APPEALS.—SECURITY FOR COSTS.

ACT NO. III. OF 1845.

[*Passed on the* 15*th February*, 1845

It shall not be necessary in any Court of appeal of the E. I. C. to take security for costs, but Court may require such security before the respondent is called upon to answer.

An Act vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant.

Whereas it is not now by Law necessary within the Territories subject to the Presidency of Fort William in Bengal, to take any Security for Costs in Appeals before the Sudder Courts—and whereas no Security for costs is now required by Law in Appeals from the decisions of Moonsiffs—and whereas it is expedient that Appeals from all Courts should be put in this respect upon a uniform footing:

It is therefore hereby enacted, that within the said Territories it shall not be necessary in any Court of Appeal of the East India Company to take any Security for Costs, but it shall be in the discretion of every such Court of Appeal to demand Security for Costs from the Appellant or not, as it shall see fit, before the Respondent is called upon to answer, any Law or Regulation to the contrary notwithstanding.

Repealed by Act X., 1861, and Superseded by the Code of Civil Procedure, Act VIII., 1859.

BENGAL.—REGISTRATION OF DEEDS.

ACT NO. IV. OF 1845.

[*Passed on the* 1*st March*, 1845.

1. Deeds may be registered in any Registry Office in Bengal, whether in same district as property is situate or not.

2. When deed is registered in a district in which property is not situate, the Registrar shall forward to Register Office of district where the property is situate a copy of deed as registered, &c.

3. Usual fee to be paid for copy required for transmission from one office to another.

4. Memorial of deed to be held duly registered when registered in any one district.

An Act to amend the law regarding the Registration of Deeds.

I. It is hereby enacted, that from and after the passing of this Act, Deeds may be registered in any Registry Office within the Presidency of Fort William in Bengal, whether such Office be in the District where the property or any part thereof to which such Deeds relate is situated or not.

II. Provided always, and it is hereby enacted, that when the Registry Office in which a Deed is registered is in a District in which the whole of the property to which such Deed relates is not situated, it shall be the duty of the Registrar of the said Office to forward to the Office of the District or Districts in which the whole or any part of such property is situated, a copy of the Deed as registered and endorsed in his office, the said copies to be furnished and attested as prescribed in Clause First, Section 2, Regulation XX., 1812, and the Registrar of any office receiving such copy so forwarded, shall duly register the same as if it had been presented to him in the first instance by the party registering.

III. And it is hereby enacted, that for every such copy required for transmission to any office as aforesaid, the party registering shall pay the usual fee, and the Registrar receiving the same shall duly account for the same to the several Registrars, to whose offices copies may be transmitted for registry.

IV. And it is hereby enacted, that a Memorial of any Deed shall be held to be duly registered according to Law, in respect to any property which may be situated in any one District, as soon as the original Deed or a copy thereof (as the case may be) shall have been registered in manner aforesaid in the Registry Office of such District, whether or not a copy thereof has been registered in all or any of the other Districts in which the property to which the Deed relates may be situated.

Repealed by Act XVI., 1864.

BENGAL MAHOMEDAN LAW OFFICERS.

ACT No. V. OF 1845.

[*Passed on the 22nd March,* 1845.

1. Repeals Sec. 5 of Bengal Regulation 11, 1826.
2. Any person who has successfully passed examination, &c., may be appointed Hindoo or Mahomedan Law Officer.

An Act concerning the Examination and Appointment of Hindoo and Mahomedan Law Officers.

I. It is hereby enacted, that Section 5, Regulation XI. of 1826, of the Bengal Code, be repealed.

II. And it is hereby enacted, that from and after the passing of this Act, any person may be appointed to be a Hindoo or Mahomedan Law Officer in any of the Courts of Justice under the Presidency of Fort William in Bengal, who shall have successfully passed through such an examination as the Government of the said Presidency shall from time to time prescribe. [Repealed by Act XI., 1864.]

COMMISSIONS OF THE PEACE.

ACT No. VI. OF 1845.

[*Passed on the 5th April,* 1845.

Recites the inconvenience of issuing a new Commission of the Peace whenever a new J. P. is appointed. Enacts that Supreme Courts shall, upon the order of Presidency Government, issue separate commissions to any persons not named in General Commission. Commission to be issued in name of H.M., &c., and to be supplementary to General Commission.

An Act to amend the Law regarding the issue of Commissions of the Peace.

Whereas it is inconvenient to issue a new General Commission of the Peace whenever the Executive Government of any of the Presidencies of Fort William in Bengal, Madras, or Bombay shall nominate and appoint any persons not named in the General Commission last issued to act as Justice of the Peace: It is hereby enacted, that the Supreme Court of Judicature of each of the said Presidencies shall and may from time to time upon the order or warrant of the Executive Government of such Presidency, issue

separate Commissions to any persons not named in the General Commission of the Peace last issued, who by law are capable of being appointed to the office of Justices of the Peace, and who shall be nominated and appointed by such Executive Government to Act as Justices of the Peace within and for such Presidency and the places subordinate thereto, or within and for the Presidency Town. And all such Commissions shall be issued in the name of the Queen's Majesty, her Heirs and Successors, under the Seal of the Supreme Court, and tested in the name of the Chief Justice of such Court, and shall be filed of record in the Court of Oyer and Terminer of the Presidency or place wherein and for which the same shall be issued, as Supplementary to the General Commission of the Peace last issued, which shall remain in full force.

N. W. PROVINCES.—CANALS.—WATER RENT.

Act No. VII. of 1845.

[*Passed on the 12th April,* 1845.

Recites that numerous canals have been constructed for irrigation and navigation in the N. W. P., and the expediency of regulating the levy of tolls, &c., and providing for their protection.

1. Enacts Lt. Governor of N W. P. may by proclamation apply the Act to any canal, &c.

2. Lt. Governor of N. W. P. may make rules for levy of water rent and supply of water for irrigation and payment of tolls, &c., for privilege of navigation. Rules to be published in Government Gazette.

3. Acts in contravention of rules, how punishable.

4. Balances of water rent may be recovered in the same manner as balances of land revenue.

5. Causing obstruction to canals, &c, damaging the Banks or works, &c., defiling the water, &c., how to be punished.

6. Offences against this Act or against rules made under it, punishable with imprisonment without labor, &c., or fine not exceeding fifty Rupees, or both, and in default of payment by imprisonment.

7. Boats, &c., may be detained for tolls, and sold to realize same after ten days, but not to be sold without sanction of Commissioner.

8. Lt. Governor of N. W. P., may appoint officers for collection of rent, &c, and confer on them powers of Collectors of Revenue for levy of rent, and of Joint Magistrates for enforcement of penalties.

An Act for regulating the levy of Water Rent, Tolls and Dues on certain Canals for irrigation and navigation, constructed by

Government in the North Western Provinces and for the protection of the said Canals from injury.

Whereas numerous Canals have been constructed, and are in progress of construction, at the Public expense in the North Western Provinces of the Presidency of Fort William in Bengal, for the purpose of irrigation and also for navigation, so far as may be practicable to unite the two objects, and whereas it is requisite to regulate the levy of rents, tolls, or dues on such Canals, and to provide for their protection from injury:

I. It is hereby enacted, that the Lieutenant Governor of the North Western Provinces shall be competent, by proclamation to be made in the Government Gazette, to declare the provisions of this Act applicable to any such Canal.

II. And it is hereby enacted, that the said Lieutenat Governor of the North Western Provinces shall be competent to draw out rules to regulate the levy of water rent, and the supply of water for irrigation, and the payment of tolls and dues on boats, rafts or floats, and admission to the benefits of navigation on such Canals, as may be found most suitable to the peculiar circumstances of each. The rules thus drawn out shall be published for general information in the Government Gazette.

III. And it is hereby enacted, that any acts done by private individuals in contravention of the rules so published, shall be punishable either by temporary deprivation of the benefits of the Canal, or by the penalties hereinafter described.

IV. And it is hereby enacted, that all balances of water rent, due for lands irrigated by the Canal, shall be levied, either by temporary deprivation of the benefits of the Canal, or by the same process as is prescribed for the recovery of balances of land revenue.

V. And it is hereby enacted, that whoever wilfully causes any obstruction to any of the said Canals, or to any of the water courses drawn and supplied therefrom, or damages the banks of the Canal, or the works constructed for its maintenance, or wilfully defiles the water in the Canal, shall be liable to the penalties hereinafter described.

VI. And it is hereby enacted, that all persons offending against the provisions of this Act, or of the rules passed under this Act shall be punishable on conviction before the Magistrate by impri-

sonment without labour for a term not exceeding fourteen days, or fine to an amount not exceeding Fifty Rupees, or both; and in default of payment of such fine, by additional imprisonment for fourteen days.

VII. And it is hereby enacted, that if the Owner of any boat, float, or raft, navigating any such Canal, shall refuse to pay the prescribed toll, it shall be lawful for the Officer charged with the levy of Tolls on the Canal, to detain such boat, raft, or float, and if the toll be not paid, in the course of ten days, then it shall be lawful for the said Officer, under the direction of the Superintendent of the Canal, on the 10th day after the seizure, to sell such property, or so much thereof as may be necessary, or to declare the whole confiscated; provided that in all such cases no confiscation shall be carried into effect till the circumstances have been reported to the Commissioner of the Division, and his sanction obtained thereto.

VIII. And it is hereby enacted, that it shall be lawful for the Lieutenant Governor of the North Western Provinces to appoint Officers for the collection of the rent toll and dues, hereinbefore mentioned, and to confer on such Officer the powers of Deputy Collectors for the levy of such rent, and of Joint Magistrates for the enforcement of such penalties as have been hereinbefore specified.

BOMBAY.—APPEALS.—SECURITY FOR COSTS.

Act No. VIII. of 1845.

[*Passed on the* 19*th April*, 1845.

Recites expediency of amending Sec. 75 and Chap. 17 of Bombay Reg. 4 of 1827, &c. Enacts no security for costs, or performance of orders of Civil Court shall be demanded from any public officer, in cases of appeal carried on under authority, &c, of Government.

An Act for amending Section 75 and Chap 17 of Regulation 4 of 1827 of the Bombay Code.

Whereas it has been deemed expedient to amend Section 75 and Chapter XVII. of Regulation IV. of 1827 of the Bombay Code, under which security for the payment of costs or the performance of the orders of a Civil Court is demanded from public

Officers, in cases of Appeal which are carried on under the authority and at the expense of Government:

It is hereby enacted, in modification of the Law above mentioned that from the date of promulgation of this Act, no Security shall be demanded for the payment of costs or the performance of the orders of a Civil Court, from any public Officer in cases of Appeal, which are carried on under the authority and at the expense of Government in the Bombay Presidency.

Repealed by Act X., 1861.

IMPORT DUTIES OF CUSTOMS.

ACT No. IX. OF 1845.

[*Passed on the* 17*th May*, 1845.

1. Repeals so much of Schedule A. to Act XIV., 1836, and of Schedule A. to Act I., 1838, and of Schedule A. to Act VI., 1844, as relates to goods hereinafter specified, viz., Marine Stores, &c.
2. Schedule annexed to this Act to be substituted for said Schedules.
3. Repeals Act XV., 1844, Schedule of duties.

An Act for amending the Schedules of Import duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, and for repealing Act XV. of 1844.

Repealed by Act VII., 1859.

The Customs Duties are at present under The Indian Customs Duties Act XVII., 1867.

CRIMINAL PROCEDURE—WARRANTS.

ACT No. X. OF 1845.

[*Passed on the* 17*th May*, 1845.

In any criminal case (except within local jurisdiction of Supreme Courts) where summons is issued, but not served, a warrant may be issued, on proof of due diligence having been unsuccessfully used to serve summons.

An Act for empowering Courts to issue Warrants in cases of failure to serve Summons.

Repealed by Act XVII., 1862.

BOMBAY—MUNICIPAL FUNDS.

ACT No. XI. OF 1845.

[*Passed on the 24th May,* 1845.

1. Repeals ss. 16, 27, and 28, and chap. 3 of Bombay Reg. 19, 1827.

2. Extends the powers of H. M.'s Js. P. under sec. 158 of 33 Geo. 3, chap. 2, over the whole of Bombay and Colaba.

3. Persons chargeable with rate, &c, on account of houses, &c., or of shop, &c., or of carriages, &c., shall make return of values, &c., upon order of two Js. P., and refusing or making false return, shall be liable to fine, &c.

4. J. P. may cause number to be painted on house, &c., for identification, and any person defacing number shall be liable to fine, &c.

5. (1) Collector of land revenue to make quarterly assessment on shops, &c. (2) Amount of assessment to be paid to Collector who may appoint subordinates under security, &c. (3) Tax to be collected quarterly, and receipts to be signed by Collector.

6. Religious houses, temporary houses, bungalows or other temporary buildings within military cantonments, &c, to be exempt.

7. Moneys specified herein to be disbursed as provided by this Act, viz., moneys collected under authority of 38 Geo. 3, c. 52, s. 158, art. 2 and 6, Reg. 2, 1812, Reg. 2, 1813. Proclamation dated 23rd July, 1817, &c., except, &c. Reg. 1, 1818, Reg. 2, 1827, Reg. 19, 1827, c. 2, 4, 5 and 6, Act XXVIII., 1839, and under sec. 5 of this Act, and all fines, &c., fees for securities, &c., and, unapplied balances in General Treasury, &c.

8. This Act not to apply to fines imposed by Collector, &c., nor to fines, &c., ordered to be paid to prosecutor, &c.

9. Moneys ordered by Act XXVIII., 1839, to be paid out of County Fund, to be paid out of Municipal fund.

10. Sums referred to in sec. 7, to be paid into Treasury and form a "Municipal Fund." Fund to be under control of Js P. in Sessions, &c, and for administering the same an executive body, to be called Board of Conservancy, to be formed, composed, &c. Elected members to remain three years in office, &c.

11. An annual sum of 45,000 Rupees to be paid out of Municipal Fund for expenses of Police, &c

12. Residue of Fund to be applied to specified purposes, viz. (1) defraying expense of establishments, &c., and (2) repairing, &c., the road, &c.

13. Board, with sanction, &c., may construct new roads, &c.

14. Board, with sanction, &c., may appoint, subject to approval of G. in C. one or more Superintendents, &c.

15. A summary of convictions and punishments, &c., to be laid before Js. P to enable them to ascertain the amount payable to the Fund for fines, &c.

16. Sums authorized to be collected under chap. 4 of Reg. 19, 1827, to be collected by person authorized by G. in. C.

17. Board to make up an annual account, &c., same to be audited, &c.

18. Board may refer to G. in C. measures submitted for sanction of supervising body, but rejected by them.

19. Interpretation of terms. "Police Fund," "County Fund," "Assessment Fund," &c.

20. Fines imposed under this Act, now to be levied.

An Act for the better Collection, Management and Disbursement of certain Public Funds and Moneys, for Police and Municipal purposes, throughout the Islands of Bombay and Colaba.

Repealed by Act XXV., 1858.

BOMBAY.—SUDDER DEWANNY ADAWLUT.

ACT No. XII. OF 1845.

[*Passed on the 7th June*, 1845.

Sudder Dewanny and S. Foujdaree Adawlut may assign to Uncovenanted Assistant Registrar any duties at present performed by Registrar.

An Act for authorising the employment of the Uncovenanted Assistant Registrar of the Sudder Dewanny and Sudder Foujdaree Adawlut of Bombay on the duties of Registrar.

It is hereby enacted, that it shall be competent to the Court of Sudder Dewanny and Sudder Foujdaree Adawlut of Bombay to assign to the office of Uncovenanted Assistant Registrar to the Court any duties at present performed by the Registrar.

BOMBAY—ATTORNIES.

ACT No. XIII. OF 1845.

[*Passed on the 28th June*, 1845.

Supreme Court of Bombay may admit as Attornies, persons being capable though never admitted as attorneys in H. M.'s Courts at Westminster.

An Act for extending the power of the Supreme Court of Judicature at Bombay in regard to the admission and enrolment of persons to act as Attornies of the said Court.

Whereas the Supreme Court of Judicature at Madras is, by Her Majesty's Charter, authorized and empowered to admit and enrol such persons having been admitted Attornies or Solicitors in one of Her Majesty's Courts at Westminster, or being other-

wise capable to act in the character of Attornies in the said Court:

And whereas the Supreme Court of Judicature at Bombay is, by Her Majesty's Charter, authorized and empowered to admit and enrol only such persons having been admitted Attornies or Solicitors in one of Her Majesty's Courts at Westminster to act in the character of Attornies of the said Court, and is not by the said Charter authorized and empowered to admit and enrol persons otherwise capable to act in the character aforesaid:

And whereas it is expedient that the Supreme Court of Judicature at Bombay should have as large a discretion in regard to the persons to be admitted as Attornies as the Supreme Court of Judicature at Madras:

It is therefore hereby enacted, that from and after the passing of this Act, the Supreme Court of Judicature at Bombay is authorized and empowered to admit and enrol persons having been admitted as Attornies in any of Her Majesty's Court at Westminster and also persons, being otherwise capable, to act as Attornies of the said Supreme Court of Bombay.

BENGAL.—MOONSIFFS.

Act No. XIV. of 1845.

[*Passed on the* 12*th July*, 1845.

1. Repeals so much of cl. 4, sec. 5, Reg. 7, 1832, as assigns to Moonsiffs duties performed in Judge's Court by Nazir, &c.

2. Moonsiffs shall retain on their establishment Nazirs, to whom cl. 8, sec. 14, Reg. 26, 1814, shall apply.

An Act to provide for the appointment of Nazirs in the Moonsiffs' Courts.

I. It is hereby enacted, that so much of clause 4, Section 5, Regulation VII. of 1832, of the Bengal Code, as enacts that certain duties assigned to the Nazir of the Judge's Court shall in the Moonsiffs' Courts be performed by the Moonsiffs themselves, and that the Tullubanah levied in the Moonsiffs' Court shall only be three-fourths of what is levied in the Judge's Court, is repealed.

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, the Moonsiffs

shall, from and after the passing of this Act, retain on their Establishments Nazirs, to whom the provisions of Clause 8, Section 14, Regulation XXVI. of 1814, of the said Code shall be applicable.

Repealed as respects the N. W. P. by Act XI., 1863.

BENGAL AND BOMBAY.—NATIVE ARMY.

ACT No. XV. OF 1845.

[*Passed on the* 16*th August*, 1845.

1. Declares that Reg. 15 of 1816 is in force.
2. Extends Reg. 15, 1816, to the Bombay Army.
3. Plaints in suits by native officers or soldiers, not originating in loans or in pecuniary transactions, &c., to be received on unstamped paper.
4. Stamp to be charged in decree against past cost
5. Native Officers, &c., instituting suits, &c., for the purpose of enabling some other person fraudulently to avail himself of this Act, to be liable to fine, &c.

6 and 7. Enlarges the time within which native officer, &c., may lodge his complaint under Act 4, 1840, from one month to "such period as Magistrate may consider reasonable."

An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.

I., II., III., IV., V. Repealed by Act X., 1861, and superseded by the Code of Civil Procedure, Act VIII., 1859.

VI. And whereas by Section IV. of Act IV. of 1840 it is enacted, that if any party shall complain to a Magistrate, or other Officer exercising the powers of a Magistrate, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops or other produce of Land within the jurisdiction of such Magistrate or other Officer as aforesaid, whether the same were possessed by such party, as proprietor, dependent Talookdar, Farmer, Under-Farmer, Ryot, or otherwise, the Magistrate or other Officer, as aforesaid, shall require the parties complained against, and any other parties concerned to appear and make defence, in person or by Agent, within a reasonable time; and if, after the examination of the necessary witnesses and documents, the complaint appears to him to be

substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent Court; provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession:

And whereas it is just, that when the party complaining is a Native Officer or Soldier, a longer period than one month from the time of dispossession should be allowed for preferring his claim:

It is therefore hereby enacted, that so much of the above recited Section of Act IV. of 1840, as provides that no such order as is therein mentioned shall be passed unless the party complaining of having been dispossessed in the manner therein mentioned prefer his claim within one month from the time of such dispossession, is repealed, so far as regards complaints preferred by Native Officers or Soldiers.

VII. And it is hereby enacted, that no such order as is mentioned in the above recited Section of Act IV. of 1840, shall be passed, when the party complaining of having been dispossessed is a Native Officer or Soldier, unless such party prefer his claim within such period as may be considered by the Magistrate reasonable, with reference to the distance of the party, and the difficulty of communication.

BENGAL AND MADRAS.—APPEALS.

Act No. XVI. of 1845.

[*Passed on the* 16*th August*, 1845.

1. If appeal is dismissed under Act XXIX. of 1841, Court may re-admit the same—Sudder within three months; any other Court within one month; if dismissal happened by default of Vakeel or unavoidable accident.
2. Gives retrospective operation to above enactment.
3. No appeal to be re-admitted after second dismissal.

An Act for regulating the re-admission of Appeals after dismissal under Act XXIX. of 1841.

Repealed by Act X., 1861, and superseded by the Code of Civil Procedure, Act VIII., 1859.

BENGAL.—WITNESSES.—MOONSIFFS.

ACT No. XVII. OF 1845.

[*Passed on the* 16*th August*, 1845.

1. Repeals cls. 1 and 2, sec. 31, and cl. 1, sec. 32 of Reg. 23 of 1814.

2. Moonsiff requiring the evidence of person out of his local jurisdiction, &c., may issue process, &c, which Moonsiff in the district where such person is, shall endorse and cause to be served.

3. Same powers for enforcing attendance of witnesses, to be exercised by Moonsiffs, as by Zillah Judges, subject to appeal, &c.

An Act for the better enforcement of the attendance of Witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.

Repealed by Act X., 1861, and superseded by the Code of Civil Procedure, Act VIII., 1859.

CONVICTS.

ACT No. XVIII. OF 1845.

[*Passed on the* 23*rd August*, 1845.

1. Convict under sentence of imprisonment for life, &c., doing any Act with intention, &c., to cause death of any person, shall, on conviction before Sessions Court, subject to confirmation, &c, be punished with death, &c.

2. Convict committing other offences, or guilty of violent or disorderly conduct, after punishment by Superintendent of Gaol, shall on conviction, &c., be punished, &c.

An Act for the punishment of offences committed by Convicts sentenced to imprisonment for life.

Whereas it is expedient that offences committed by Convicts sentenced to imprisonment for life, should be punished with greater severity than such offences are punished with in other cases:

I. It is hereby enacted that within the Territories subject to the Government of the East India Company, except within the local limits of the jurisdiction of the Supreme Courts, and except within the Settlements in the Straits of Malacca, any Convict sentenced to imprisonment for life, or to transportation for life, who does any act, with the intention of thereby causing, or with the knowledge that he or she is likely thereby to cause the death

of any person, shall, upon conviction thereof, before the Sessions Court, subject to confirmation by the Sudder Court, be punished with death, or with transportation for life, or with Corporal punishment not exceeding 39 stripes, whether such Convict does or does not by such act cause the death of any person.

II. And it is hereby enacted, that any such Convict as aforesaid who commits any offence whatever, other than the offences mentioned in the preceding Section, or who is guilty of violent or disorderly conduct, after having been punished by the order of the Superintendent of the Gaol, in which he or she is confined, shall, upon conviction thereof, before the Sessions Court, subject, if the Sentence be transportation for life, to confirmation by the Sudder Court, be punished with transportation for life, or with Corporal punishment, not exceeding 39 stripes.

Repealed by Act XVII., 1862.

ASSAM COMPANY.

Act No. XIX. of 1845.

[*Passed on the* 30*th August*, 1845.

Recites the existence of the genuine tea plant in Assam, &c, and the national importance of the cultivation and manufacture of tea in India, and the formation of a Tea Company, with a capital of fifty lacs, &c., and that grants of land have been made to the Company, and that twenty lacs of the capital are paid up, and that there are other articles of indigenous growth, and that it is desirable the Company should be enabled to avail themselves thereof, &c. Also recites the appointment of a Provisional Committee (naming them) for the purpose of forming, &c., the said Company. Enacts—

1. That the persons named, &c., shall be a body corporate, by the name, &c., of the "Assam Company."

2. Empowers the Company to prosecute the cultivation of the tea plant on their lands in Assam, &c., and carry on the business of tea manufacturers, &c., and for such purposes to take and hold land, &c., and to alienate the same, &c., and to engage in the cultivation, &c., of other articles incidentally, and assistant to tea culture, but not to engage in cultivation, &c., of Opium, Coffee, or Sugar.

3. Capital of Company to be 50,00,000 Rupees, or 10,000 shares of 500 Rupees each, with power to increase same to one crore of Rupees

4. Company not to raise by loan to a greater amount than one-fifth of its capital.

5. Vests the property of the original partnership in the incorporated Company.

6. Company may make Bye-laws, &c., for government of Company's affairs, and Directors and Officers, &c., and to rescind, alter, &c. The Company's deed to be deemed the first Bye-law, &c.

7. Proviso against invalidating past proceedings.

8. General Meeting of Company to be held twice a year at least, &c. Proprietors to vote according in proportion to number of shares held, viz., &c., but no proprietor of less than five shares to vote Votes by proxy to be received if authorised by Bye-laws, &c.

9. At General Meetings, books and accounts to be exhibited, &c., and a true account in abstract and balance-sheet, &c. Such account and balance-sheet, when passed, to be advertised, &c.

10. Payments already made on account of shares to be deemed valid, &c.

11. Certificate of shares to be signed by three Directors, and delivered to proprietor; shares to be transferable by endorsement, &c., but endorsement not to take effect until transfer is registered, &c.

12. Shares as between the proprietor, &c., to be personal estate, &c.

13. Shareholders may be required to pay up the unpaid amount of their respective shares, &c.

14. Company, by Bye-law, &c., may provide for making unpaid instalments bear interest, and also for the forfeiture of shares and restoration of forfeited shares. Shares not to be forfeited until after three calendar months' default.

15. Company to have benefit, and be bound by all contracts, &c., prior to the passing of this Act, and by Acts of said Provisional Committee, and Company may sue and be sued in respect thereof, &c.

16. Copy of original deed, &c., and of all rules, &c., to be kept at the office in Calcuttta, for inspection, &c., and also filed in the office of the Prothonotary of the Supreme Court, for inspection, &c., and examined copy thereof to be evidence thereof.

17. Names of Directors, and names and designations of Officers, &c., to be entered in a book, and kept in office of Company for inspection, &c., and memorial thereof to be enrolled, and fresh memorial on changes in the direction, &c.

18. Names, residences, &c., of Proprietors, &c., and number of shares held, to be registered, &c., in a book, to be kept in office for inspection, &c. Transfers, &c., to be registered in like manner, &c.

19. Company to sue and be sued in its corporate name in all proceedings, whether civil or criminal, within Territories of E. I. Company; all process against the Company to be solely against the corporate stock, effects, &c.

20. All processes and notices to be served on the Secretary, or by leaving same at Office of Company in Calcutta.

21. Act to continue in force till 30th April, 1854.

An Act for incorporating the Assam Company.

Repealed by Act IV., 1855, under which the Company was re-constituted.

NATIVE ARMY.—ARTICLES OF WAR.

Act No. XX. of 1845.

[*Passed on the 6th September*, 1845.

Recites Act of 3 and 4, W. 4, empowering the G. G. in C. to make Articles of War for Government of Native Army, &c. Enacts the after-mentioned Articles of War from the 7th October, 1845.

ARTICLES OF WAR.

Section I.—Of Enlisting and Discharges

Article 1.—Every Recruit to have first four Articles of Section 2 read, &c., to him; after which oath or declaration shall be required of him.

Article 2.—No Commissioned Officer to be dismissed, except by sentence of G. C. Martial, nor any Non-commissioned Officer or Soldier, except by Sentence of C. M., or order of Commander-in-Chief of Presidency. Pension to be forfeited on discharge, &c. Provided sentence of discharge by C. M. inferior to G. C M. not to be carried into effect without concurrence of Commander-in-Chief, &c. But the G. G. in C. in his executive capacity, and G. in C., &c., empowered to order dismissal or discharge.

Article 3.—Non-commissioned Officers and Soldiers discharged to be furnished with Discharge Certificate, expressing, &c.

Article 4.—Non-commissioned Officer or Soldier enlisting in other regiment without a regular Discharge, to be liable to be treated as a Deserter.

Section II.—Crimes punishable with Death, Transportation, &c.

Article 5.—Officer or Soldier, beginning, &c., exciting, &c, mutiny, or being present, and not endeavouring to suppress it, or coming to the knowledge, &c., and not giving information to Commanding Officer.

Article 6.—Striking Superior Officer, or drawing, &c., weapon, or using, &c., any violence, &c., on or off duty, &c.

Article 7.—Disobeying lawful command of Superior Officer.

Article 8.—Deserting from East India Company's service.

Article 9.—Being sentry, in time of war, &c., sleeping, &c., or leaving his post shamefully, &c.

Article 10.—Abandoning, &c., any garrison, &c., or using means to induce abandonment of garrison, &c.

Article 11.—Treacherously making known the watch-word, &c.

Article 12.—Holding correspondence with, or giving intelligence to enemy, &c.

Article 13.—Directly or indirectly assisting, &c., the enemy, or harbouring enemy, &c.

Article 14.—Treacherously releasing, &c., any enemy, &c., placed as a prisoner under his charge.

Article 15.—Misbehaving himself before the enemy, &c.

Article 16.—In presence of enemy, &c., casting away his arms, &c.

Article 17.—Leaving his Commanding Officer, post, colors, or party in time of action, to go in search of plunder.

Article 18.—In time of war doing violence to any person bringing provisions, &c., forcing a safeguard, breaking into house, &c., for plunder, or plundering fields, &c.

Article 19.—In time of war, intentionally occasioning false alarms by discharging firearms, &c.

Article 20.—Without proper authority releasing State prisoners, &c.

Article 21.—Being a sentry over state prisoner, &c., quitting his post, &c.

PUNISHMENTS.—If an Officer, to suffer death or transportation for life, or be dismissed the service; and, if a Soldier, death or transportation for life, or imprisonment, &c., or corporal punishment, or dismissal, &c., as by a G. C. M. shall be awarded.

Crimes not punishable with Death.

Article 22.—Officers or Soldiers spreading reports, &c., calculated to create unnecessary alarm, &c.

Article 23.—In or previous to action, using words tending to create alarm, &c.

Article 24.—Being drunk when on or for duty, or on parade, &c.

Article 25.—Any soldier being grossly insubordinate, &c., in the ranks, or in presence of Court Martial, shall, if an officer, be dismissed, &c., or suspended, &c., and if a soldier, be punished as C. M. shall award, but not with death, transportation, or imprisonment with hard labour.

Article 26.—Officer behaving in a manner unbecoming an officer, &c.

Article 27.—Officer or soldier under arrest, leaving his confinement, &c

Article 28.—Advising or persuading other officer or soldier to desert, &c., conniving at desertion, &c, receiving deserter, &c.

Article 29.—Obtaining, &c., for officer, &c., any pension, &c., by false statement, &c.

Article 30.—Knowingly making false return, &c., of the state of the men under his command, or of arms, &c.

Article 31 —Malingering, feining, or intentionally producing disease, &c.

Article 32.—At any post, or on march, &c., extorting money, &c., as fees, &c., or extracting from villagers, carriage, &c.

Article 33.—Wantonly and intentionally defiling place dedicated to religious worship, &c., or insulting religious prejudices, &c.

Article 34.—Without orders committing waste, &c., or destroying property.

Article 35.—Soldier off duty, contrary to orders, appearing in camp, &c., or on occasion of visiting towns, &c., carrying sword, &c.

Article 36.—Selling, pawning, &c., horse, &c.

PUNISHMENT OF ABOVE OFFENCES.—If an officer, dismissal from the service or suspension from rank, &c.; if a soldier, such punishment as a General, District, or Garrison C. M. is by these Articles empowered to award

Crimes punishable with Fine or loss of Pay, in addition to other Punishments.

Article 37.—Officer or soldier embezzling, &c., money, &c., or provisions, &c., or spoiling, &c., property, or conniving at above crimes, shall, on conviction before G. C. M. be dismissed the service, fined, &c., and liable to imprisonment, &c.

Article 38.—Soldier guilty of disgraceful conduct, in maiming himself, &c.; (30) in purloining, &c., Government stores; (40) in stealing money, &c., the property of a soldier, &c.; (41) in embezzling, &c., public money; (42) in committing paltry offence of a fraudulent nature, &c.; (43) or guilty of other disgraceful conduct, being of a cruel, indecent, or unnatural kind.

Punishment.—Such as G., D., or Garrison C. M. may under these articles award for disgraceful conduct, and offender, if not dismissed, shall be put under stoppages, &c.; and, if dismissed, shall forfeit arrears of pay, &c.

Crimes not punishable with Corporal Punishment, or Imprisonment with Labour.

Article 44.—Officer, &c., striking, &c., any soldier.

Article 45.—Sentry in time of peace sleeping on his post, or leaving it, &c.

Article 46.—Officer, &c., knowingly enlisting a deserter, &c.

Article 47.—Directly or indirectly requiring, &c., a bribe, &c., as a consideration for procuring leave of absence, &c.

Article 48.—Not seeing reparation done to parties injured in manner specified, or not reporting case to Superior Officer.

Article 49 —Refusing to receive prisoner duly committed, &c.

Article 50.—Quitting guard or picquet in time of peace, &c.

Article 51.—Impeding Provost Marshal, &c., or refusing to assist him, &c.

Article 52.—Being absent from his regiment, not rejoining same on proper information of its being ordered on service.

Article 53.—In time of peace, occasioning false alarms, &c., discharging firearms, &c.

Article 54.—Omitting to repair to parade at fixed time, &c.

Article 55.—Quitting his Troop or Company without leave, &c.

Article 56.—Absenting himself without leave, or overstaying his time, &c.

Article 57.—Being found two miles from camp contrary to order, &c.

Article 58.—Contrary to orders, being absent from cantonment after tatoo, &c., or from camp, &c.

Article 59.—Selling, losing, wasting, &c, ammunition, &c.

Article 60.—Crimes not capital, and disorders or neglects, to the prejudice of good order and military discipline, not specified in these articles to be cognizable by C. M. and punished according to nature and degree of offence, &c., but not with corporal punishment or imprisonment with hard labor.

Crimes incident to Courts Martial.

Article 61.—Person amenable to Articles of war, duly summoned before

Court Martial, and not attending, refusing to be sworn, &c., shall be punished by same or another C. M. in manner specified.

Article 62.—Persons not amenable to Articles of war, committing above offences, to be delivered over to Magistrate, &c.

Article 63.—Person using menacing or disrespectful words, &c., in presence of a C. M. then sitting, &c., shall be punished according to condition of offender, &c.

Article 64.—Officer or Soldier guilty of wilfully giving false evidence, &c., before G. or other C. M., or of inducing other person to do so; to be dismissed, &c., the Service, &c.

Crimes admitting of less serious notice.

Article 65.—Permits, on application to, and with consent of General or other Officer, &c., crimes requiring less serious notice, to be tried by District, Garrison or Regt. C. M. but not mutiny, &c.

Offences on the line of March, or on board vessels.

Article 66.—For offences, committed on line of March, or on board ship, &c., the Officer in command may try Soldier by Regimental or Detachment C. M., and conform and execute sentence, &c., but sentence not to exceed that which R. C. M. is competent to award, &c.

SECTION III.—Administration of Justice.

Article 67.—Officer or Soldier committing Crime deserving punishment by C. M. to be put under arrest, &c.

Article 68.—No person to be fined or punished for offence committed more than three years before, &c., except in case of specified impediments to earlier trial, and then trial to take place not more than two years after expiration of impediment.

Article 69.—Offender may be tried in any place where he may come after commission of offence.

Article 70.—Gives power to Commander-in-Chief at the different Presidencies to appoint G. or other Courts Martial; confirm, &c., Sentences; by warrant to authorize General Officers, &c., to appoint C. M., &c.

Article 71.—G. C. M. not to consist of less than thirteen commissioned officers, except when held out of the E. I. Co.'s Territories, and then of seven. Sentence not to be put in execution until reported to C.-in-C., &c., and confirmed, &c.

Powers of General Court Martial.

Article 72.—G. C. M. may sentence to death or transportation for crimes liable to those punishments. When punishment is not defined by these articles, in case of Commissioned Officer, G. C. M. may adjudge dismissal from service,

&c., and may sentence non-commissioned Officer to dismissal, &c., and soldier to suffer two hundred lashes, &c.

Conformation and Commutation of Sentence by C.-in-C.

Article 73.—Sentence of death may be commuted by C.-in-C. into transportation for life, &c., and transportation, in case of Commissioned Officers, to dismissal from service, &c., and dismissal, in like case, into suspension from rank and pay, &c., and transportation in case of soldier, to imprisonment, &c., and corporal punishment and dismissal, &c., or, in case of non-commissioned Officer to reduction to the ranks, &c., and in like case may commute sentence of dismissal to reduction to the ranks, &c.; like power as to sentence to imprisonment with hard labor, &c.

Article 74.—District or Garrison C. M. to consist of not less than seven Commissioned Officers, except in specified circumstances, when it may consist of five, &c. Sentence of, requires confirmation. Commander-in-Chief may remit, mitigate, or commute sentences of such C. M.

Powers of District or Garrison Court Martial.

Article 75.—D. or G. C. M may sentence non-commissioned Officer to be reduced to the ranks, &c., or dismissal, &c., or placed lower, &c., and Soldier to be dismissed, to suffer corporal punishment, &c., or imprisonment, &c., and in addition, to forfeit additional pay or pension &c.

Article 76 —Reg. C. M. to consist of five or in specified circumstances three Commissioned Officers; and be assembled by order of Commanding Officer of Regiment. Sentence to require confirmation of Commanding Officer. Sentences of corporal punishment, &c., not to be carried into effect without sanction, &c., of Officer commanding the division, &c., except in detached situations, &c., where an immediate example is necessary.

Powers of Regimental Court Martial.

Article 77.—Same as of District C. M., except as to amount of corporal punishment, and length of imprisonment and punishment, and extent of forfeitures, which it may award.

Article 78.—Officer commanding detachment of his own regiment may assemble Reg. Detachment C. M. and Officer commanding detachment from different corps may assemble Detachment or Line C. M., &c. Sentence to require confirmation of Officer commanding the Regiment in certain cases.

Article 79.—Officer convening may instruct the C. M. when not to make corporal punishment or solitary confinement part of its sentence.

Execution of Sentence of Court Martial.

Article 80.—In Sentence of death, Court shall specify mode of execution in prescribed form of words.

Article 81.—Sudder Courts to carry into execution sentences of transportation, &c., and judge, &c., sentences of imprisonment.

Article 82 —Commander-in-Chief may order transportation beyond sea, of soldier under sentence of transportation for life, &c.

Article 83.—Commander-in-Chief may order persons under sentence of imprisonment, to be imprisoned in any public prison, &c.

Article 84.—Soldier previous to undergoing imprisonment with hard labor, to be struck off the strength of his corps, &c.

Offenders sentenced to dismissal for Disgraceful Conduct.

Article 85.—Such offenders when subjected to corporal punishment, or imprisonment with hard labor, to be dismissed with ignominy.

Article 86.—Fine or stoppages adjudged by C. M. may be satisfied out of arrears of pay, &c. No soldier to be continued under forfeiture longer than one year, nor any one time to more than half his pay or allowances, &c.

Forms of Proceeding.

Article 87.—Trials to take place between the hours of 6 A.M. and 4 P.M. except, &c.

Article 88.—At General Court Martial a Judge Advocate or European Officer of not less than ten years' service, to conduct the proceedings: and European officer of not less than four years' standing at C. M. inferior to General except &c.

Article 89.—C. M. to have an interpreter, &c.

Article 90.—Senior Officer to be President. Native Officers how to rank. Trial to go on in case of death, &c, of President, if the requisite mumber of Officers present, &c.

Article 91.—No finding or sentence to be revised more than once; on revision, no evidence to be received. Same members to be convened for revision of sentence, &c.

Manner of Voting

Article 92.—C. M. in giving votes, to begin with the youngest member; except when death is awarded, decision to be according to majority; in case of equality, decision to be in favor of prisoner, except in question of finding. President to have a casting vote.

Article 93. Sentence of death not to be given, unless two-thirds of the members present concur, &c.

Affirmations.

Article 94.—Affirmation to be administered to Interpreter; also to each member; also to Judge Advocate or Superintending Officer.

Article 95.—Witnesses to be examined on oath or affirmation, according to the forms of their religions, &c. Wilful false evidence to be punished as perjury.

Summoning Witnesses not amenable to these Articles.

Article 96.—Such witnesses to be summoned by magistrate on requisition of Judge Advocate, &c.

Powers and duties of Provost Marshal.

Article 97.—For repression of irregularities, &c., in the field and on line of march, Provost Marshal to be appointed. Their duties, their powers, how limited..

Trials by European Court Martial.

Article 98.—Continues to native troops the privilege (where it already exists) of claiming to be tried by C. M., composed of European Officers. G. G. of I. in C. may give this privilege to native troops in any Presidency.

SECTION IV.—Effects of the Dead.

Articles 99 and 100.—Officer or Soldier, &c., dying, &c., Commanding Officer, &c., shall, if no heir or executor appears, secure his effects, &c. Effects to be publicly sold; and, after payments of debts, &c., residue to be accounted for to heir or other representative, &c., or remitted to General Treasury.

SECTION V.—Miscellaneous.

Article 101.—Effects of deserter to be publicly sold, and, after payment of debts, &c., residue to be remitted to General Treasury.

Article 102.—Powers under these articles relating to Commanding-in-Chief, shall belong to Commander-in-Chief at any Presidency, &c., and powers relating to Soldiers to extend to non-Commissioned Officers.

Article 103.—Troops of one Presidency, serving in another Presidency, to be deemed to be under orders of Commander-in-Chief, in latter Presidency, &c., unless Governor General otherwise orders, &c.

Article 104—Officer commanding E. I. Co's troops in places out of H. M.'s dominions, &c., shall, on complaint, &c., of offences, &c., summon a G. C. M. though not authorized by warrant. Such C. M. to consist of three Officers at least, and to have all powers of G. C. M. under these articles. But sentence to be confirmed, &c.

Article 105.—Only G. C. M. shall have power to try Commissioned Officers or to sentence to death, or transportation.

Article 106.—No person acquitted or convicted before C. M. to be tried a second time for same offence, but previous conviction, &c., may be given in evidence, &c., for purpose of affixing punishment.

Article 107.—Non-Commissioner Officer not to be reduced to the ranks, but by sentence of a C. M. or by order of C.-in.-C., &c.

Article 108.—Officer or soldier thinking himself wronged by his superior officer, is to complain to Commanding Officer of his troop or Company, &c.

Article 109.—In case of light offences Commanding Officer may award extra drill, &c., restriction to barrack room, &c., confinement in quarter guard, &c.

Article 110.—Officer or soldier, taken prisoner, shall forfeit pay, &c., while a prisoner, but on returning to service, &c., shall be entitled to pay, if he can establish facts specified in articles.

SECTION VI.—Mode of Dealing with Offences not Military.

Articles 111 and 112.—Offenders under this head to be delivered over to civil functionaries, unless in places where H. M. may have no civil functionaries, &c.

Articles 113, 114 and 115.—G. C. M. shall have cognizance of offences punishable with death, transportation and imprisonment for life, or a term of seven years. District or Garrison C. M. cognizance of offences, punishable with imprisonment for three years, &c., and Regimental Detachment and Line C.M. offences punishable with six months' imprisonment, &c.

Punishment of Death.

Article 116.—Murder to be punished with death, by hanging, &c., Killing one person, with intent to have killed another, to be deemed murder. Also wilful injury, though not intended for any person in particular, but killing any person, to be deemed murder.

Punishment of Transportation.

Article 117.—Breaking, &c., by day or night into any dwelling house, &c., with intent to rob or steal; robbery or attempt to rob, stealing, &c., in house or from the person, accompanied respectively with attempt to commit murder, &c., shall be punished with transportation for life, &c.

Imprisonment for Fourteen Years.

Articles 118, 119, 120, 121, 122 and 123.—Last-mentioned offences accompanied with wounding, &c., not endangering life; wounding with intent to murder, &c., another person: robbery by open violence, or dacoity, &c.; breaking into dwelling house, &c., between sunset and sunrise, with intent to rob, &c., or actually stealing from such dwelling house, &c., not exceeding one hundred Rupees, Purchasing, &c., stolen property, punishable with imprisonment, &c., not exceeding fourteen years.

Imprisonment not exceeding Seven Years.

Articles 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134 and 135.—Culpable homicide not amounting to wilful murder; premeditated affray, attended with homicide, &c.; intentionally wounding, &c., accidentally, wounding, &c., with intention of injuring some other person; breaking into dwelling house, tent, &c., between sunrise and sunset, with intent to steal, &c., stealing, &c., any property, exceeding three hundred Rupees in value, &c., purchasing

stolen property, &c., exceeding same value, &c.; Arson; unnatural crime; rape; enticing and taking away, &c., unmarried women, under the age of sixteen years; stealing child under eight years, punishable with imprisonment, &c., not exceeding seven years.

Imprisonment not exceeding Three Years.

Article 136.—Commander in Chief, &c., may authorise District or Garrison C. M., to try soldiers for above offences, but with power to sentence only to imprisonment, &c, not exceeding three years.

Articles 137, 138 and 139.—Officer or soldier convicted by G. D. or Garrison C. M. of stealing, &c., property exceeding fifty and not exceeding three hundred Rupees in value; of having purchased, &c., stolen property not exceeding three hundred Rupees in value; or of having stolen property in his possession, &c., punishable with imprisonment, &c., not exceeding three years.

Article 140.—Regimental Detachment or Line C. M. may sentence to imprisonment not exceeding six months, for offences for which no punishment exceeding imprisonment for three years with hard labor is provided.

Article 141 and 142.—Stealing property to value of fifty Rupees or less; committing assault, &c., punishable with imprisonment, &c., not exceeding one year, by sentence of G. D. or G. C. M., and not exceeding six calendar months, by sentence of Regimental, D. or L. C. M.

Article 143 and 144.—Resisting process of Magistrate, &c, and any offence not provided for in Articles of war, punishable with imprisonment for not less than two years, one year, and six months, by sentence of General C. M., District, or Garrison, and R D. or Line C. M. respectively.

Article 145.—Aiding and abetting, &c., offences punishable in same manner as the principal offences.

Article 146—No sentence of death to be carried into effect, until confirmed by the Commander-in Chief, nor until such confirmation has been concurred in by Presidency Government, if trial has been had within limits of Presidency.

Article 147.—Commander-in-Chief may confirm sentence of death, or commute it, &c.

Article 148.—Sentence of transportation not to be carried into effect until confirmed. Commander-in-Chief may commute it, &c.

Article 149.—Any officer having authority to confirm, may remit or mitigate sentence, &c.

Article 150.—No sentence of imprisonment with hard labor passed by R. D. or L. C M and no award of discharge, &c., shall be carried into effect without sanction of Officer Commanding Division, &c.

Article 151—No person tried by C. M. under Articles of war shall be tried for same offence in any other Court, and after trial in Civil Court, C. M. not to punish otherwise than by cashiering or dismissal, &c.

Article 152—Continues regulations relating to the powers of Commissariat Officers, &c.

SECTION VII.—Application of the Articles.

Article 153.—To what persons and classes these Articles to apply, viz, all officers, soldiers, all drivers, farriers, &c., provided that persons of European descent, &c, professing the Christian religion, shall not be amenable to these articles, &c., but shall be tried as persons who are subject to the Mutiny Act, &c.

Promulgation of Articles.

Article 154.—The above articles to be translated into the language of the different Presidencies, and specified parts to be read every six months, at the head of every regiment, &c.

An Act providing Articles of War for the Government of the Native Officers and Soldiers, in the Military Service of the East India Company.

Repealed by Act XIX., 1847.

Act XXIX., 1861, is the present Act of Articles of War for the Native Army.

BENGAL.—MERIAH SACRIFICES.

ACT No. XXI. OF 1845.

[*Passed on the* 13*th September*, 1845.

1. G. G. in C., by order in Council, may remove from jurisdiction, &c., of the Commissioner, &c., of tributary mehals in Cuttack, specified tributary estates, and place them under jurisdiction of agent for suppression of Meriah sacrifice, &c.

2 Same provision as to tracts of country under superintendence of Agent to the G. G. on the south west frontier.

3 Same provision as to Ganjam, and Vizagapatam.

4. Similar provisions as to Zillah Rajamundry.

5. Agents, &c., appointed under the Act, to be guided by instructions from the Government of India, &c.

6. G. G. in C. may prescribe rules for the guidance of said Agents, and determine in what cases there shall be an appeal from the decision of the said Agents.

An Act respecting the appointment and powers of Agents for the suppression of Meriah Sacrifices in the Hill Tracts of Orissa.

I It is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Commissioner and Superintendent of Tributary Mehals in Cuttack, any of the Tributary Estates specified in Section 2, Regulation II of 1816,

of the Bengal Code, and to place any such Estates under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices), and his subordinates, as shall from time to time be appointed by the Governor of Bengal in that behalf.

II. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Agent to the Governor General, South West Frontier, any portion of the tracts of Country, comprised in that Agency, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Governor of Bengal in that behalf.

III. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Collectors of Ganjam or Vizagapatam, exercised by them as Agents to the Governor of Fort St. George under Act XXIV. of 1839, any portion of the tracts of Country specified in Section II. of the said last mentioned Act, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Fort St. George in that behalf.

IV. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an order in Council, to remove from the operation of the General Regulations and Laws any portion of Zillah Rajamundry, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall be appointed by the Government of Fort St. George in that behalf.

V. And it is hereby enacted, that all such Agents and their subordinates as shall be appointed under this Act, shall, in the exercise of their jurisdiction and superintendence, be guided by such instructions as they may from time to time receive from the Government of India through their respective Government.

VI. And it is hereby enacted, that it shall be competent to

the Governor General in Council, through the Governments of the aforesaid Presidencies respectively, to prescribe such Rules as he may deem proper for the guidance of such Agents and subordinates, and to determine to what extent the decision of the said Agents in Civil Suits shall be final, and in what Suits an appeal shall lie to the Sudder Court, and to define the authority to be exercised by the said Agents in Criminal trials, and what Criminal cases they shall submit for the decision of the Sudder Court.

GOVERNOR GENERAL.

ACT No. XXII. OF 1845.

[*Passed on the 20th September*, 1845.

1. Recites expediency of G. G. visiting the N. W. Provinces and other parts of India, &c.

Enacts that during his absence from Council, he may exercise all the powers of G. G. in Council, except such as may by a resolution in C. be exercised by the President in Council, and that of making Laws and Regulations.

2. Act to commence from time when it is notified that the G. G. has quitted Calcutta, &c.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Expired.

UNION BANK OF CALCUTTA.

ACT No. XXIII. OF 1845.

[*Passed on the 22nd November*, 1845.

1. Recites deed forming co-partnership under the name of "The Union Bank of Calcutta," and difficulties of Bank suing and being Sued. Enacts that all actions in respect of causes of action vested in the co-partnership or in trustees for the same, and all proceedings on behalf of the Bank, shall be instituted, &c., in the name of the Secretary or Treasurer for the time being, and all actions and proceedings against the said co-partnership shall be against the Secretary or Treasurer, for the time being, as the nominal defendant, &c., and actions, &c., not to abate by death, removal, resignation, &c., of such officer.

2. In indictments and other criminal proceeding for offences relating to property of the Bank, &c., property, whether vested in the Bank or in Trustees for

the Bank, may be described as the property of the Bank, &c., and in all proceedings the name of the Secretary, &c., may be substituted for the names of the individual proprietors.

3. Actions against the Bank, upon or arising out of contracts with the Bank not to be defeated by reason of plaintiff being a partner or shareholder, &c.

4. Actions by Bank arising out of contract, &c., in like manner not to be defeated by reason of the defendant being a member or shareholder.

5. The Directors shall cause a memorial, in the form given in Schedule, of the names, &c., of the Directors, &c., and of the Proprietors, &c, to be verified, &c., and enrolled in Supreme Court, &c., and new memorial within twelve months after any change, &c Person making false declaration, to be guilty of misdemeanor.

6. Until memorial is enrolled, no action to be brought by Bank, under this Act; persons appearing in last memorial, to be liable till new memorial

7. Examined copy of memorial to be received in evidence as proof of contents of memorial, &c.

8. Decree, &c., of any Court, &c., against Secretary, &c., shall have like effect against property of Bank, as if all the partners were parties to the action.

9. In case execution shall have been issued against funds of the Bank, and be ineffectual, &c., execution may be issued against individual proprietors successively, &c. Provided that individuals against whom execution shall be issued, shall be entitled to be reimbursed out of funds of Bank, and if they are insufficient, by proprietors for the time being. Also if execution against Secretary, &c., is ineffectual, execution may be issued against persons who were members at the time the contract was entered into, but past members to be liable only according to the general law of partnership.

10. Proprietor against whom execution has been levied, if not reimbursed within one month out of the funds of the Bank, may recover by action, &c., a rateable part thereof against the Proprietors, according to the proportionate number of shares held by them respectively.

11. Secretary, Treasurer and Members, though parties to the proceeding, not to be incompetent as witnesses.

12. Members who have parted with their shares, but having a claim on the dividends, may have the privilege of suing, given by this Act, and shall be liable to the remedies given by this Act.

13. Proceedings in any one action, &c., under this Act shall be a bar to any fresh action for the same cause of action against any other parties liable in the same character as Secretary or Member.

14. This Act not to be held to incorporate the said Bank, or discharge it from any liability, &c., either as between the Bank and other parties, or the Bank and its individual members, &c.

15. This Act to extend to the Bank during the continuance of the co partnership, notwithstanding change in the constituent members thereof.

SCHEDULE (1) Original memorial of Directors, Secretary, and Members (2) Memorial in case of change of Directors or Secretary. (3) In case of

retirement of Members. (4) In case of new Members. (5) Memorial of several changes.

An Act to enable "The Union Bank of Calcutta" to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company.

Whereas by and under a certain Deed of Partnership or Association or an Agreement in writing of that nature bearing date the First day of August, 1839, several persons have formed themselves into a certain Company or co-partnership by the name of "The Union Bank of Calcutta," by which said deed or Agreement it was and is provided (amongst other things) that the business of the said Company should consist in issuing Promissory Notes payable to bearer on demand at their Office in Calcutta for any sum of not less than Eight Company's Rupees, and not exceeding One Thousand Company's Rupees, and Bills of Exchange payable at such time after date or sight as the Directors for the time being should fix to parties who should require the same and deposit the amount of such Bills in the said Bank, which deposit should bear interest at such rate as the Directors should fix, and also in discounting Bills and Promissory Notes not having a longer period to run than four months from the time of discounting the same respectively, and also in lending money on the Security of personal property for any period not exceeding four months, or in cash accounts to persons depositing undoubted Security, such accounts to be settled at the end of every three months, and in all other branches of business usually transacted by Bankers in Calcutta; and by which said Deed or Agreement it was and is further provided, that the Capital Stock and Fund of the said Company should amount to the sum of 1,000,000* of Company's Rupees, with certain provisions for increasing the same, when and if it should be deemed expedient. And whereas difficulties have arisen and may hereafter arise in recovering debts and moneys due to the said Company called "The Union Bank of Calcutta," and in maintaining actions for damages done to the same Company, or to the property of the said Union Bank since by law all the Members for the time being of the said Company must be named in every action or suit carried on for such purpose:

* The Capital of the Bank is 100,00,000: but the Act has the above number.

And whereas it would be convenient that persons having demands against the said Company should be entitled to sue one of the two Officers hereinafter mentioned or described in that behalf; therefore, for obviating and removing the difficulties aforesaid: It is hereby enacted, that from and after the passing of this Act, all actions, suits, and other proceedings whatsoever, at law or in Equity, for any injury or wrong done to any real or personal property of the said Union Bank in whomsoever the same may for the time being be vested, whether in the said Company, or in some person or persons in trust for the said Company, or upon or in respect of any present liability or liabilities to the said Union Bank, or upon any Bonds, Covenants, Contracts or Agreements which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for the said Union Bank, or wherein the said Union Bank is or shall be interested, and also all instruments and petitions to found any adjudication of Insolvency in any Court for the Relief of Insolvent debtors against any person or persons indebted to the said Union Bank, and liable to have been made Insolvent by the Laws now or at any time hereafter in force relating to Insolvents in the East Indies, and generally all other proceedings whatsoever at Law or in Equity to be commenced, instituted, or carried on by or on behalf of the said Union Bank, or wherein the said Union Bank is or shall be concerned or interested, against any person or persons, body or bodies, politic or corporate, or others, whether such person or persons, body or bodies, politic or corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors of, or in the said Union Bank, or not, shall and lawfully may be commenced, instituted, presented and prosecuted, or carried on in the name of the person who shall be the Secretary or of the person who shall be the Treasurer of the said Union Bank at the time such action, suit or proceeding shall be commenced or instituted as the nominal plaintiff or petitioner for or on behalf of the said Union Bank, and all actions, suits, and proceedings at Law or in Equity, as well for subsisting as future accruing claims, debts, or demands to be commenced or instituted against the said Union Bank by any person or persons, body or bodies, politic or corporate, whether such person or persons, body or bodies, politic or corporate, is or are or shall then be a Member or Members, Proprietor or Pro-

prietors, of or in the said Union Bank or not, shall be commenced, instituted, and prosecuted against the said Secretary for the time being of the said Union Bank, or of the said Treasurer for the time being of the said Union Bank, as the nominal defendant, respondent or defender for and on behalf of the said Union Bank, and the death, removal, resignation, or any other act of such Secretary or Treasurer, or the Bankruptcy or Insolvency of such Secretary or Treasurer, shall not abate or prejudice any action, suit, or other proceeding at Law or in Equity commenced under this Act, but the same may be continued, prosecuted, and carried on or defended in the name of any other the Secretary or Treasurer for the time being of the said Company.

II. And it is hereby enacted, that from and after the passing of this Act in all indictments, informations and other criminal proceedings brought, instituted or carried on by, or on the behalf of the said Union Bank, for fraud or injury upon or against the said Union Bank, or for any felonies, taking, stealing, or embezzlement, damaging or destroying, or for any offence whatever relating to any Money, Notes, Bills, Effects, Securities or any real or personal property of the said Union Bank, or for any other offence against the said Union Bank, it shall be lawful to state such Money, Notes, Bills, Effects and Securities, and other real and personal property, in whomsoever the same may be vested, whether in the said Union Bank, or in some person or persons in trust for the said Union Bank, to be the Money, Notes, Bills, Effects and Securities, or property of the said Union Bank, or of such Secretary or Treasurer for the time being of the said Union Bank; and any offence committed with intent to injure or defraud the said Union Bank, shall and lawfully may in such prosecution be said to have been committed with intent to injure or defraud the said Union Bank, or such Secretary or Treasurer for the time being of the said Union Bank, and any offender or offenders may hereupon be lawfully convicted of any such offence, and in all other allegations or indictments, informations, or other proceedings in which before the passing of this Act, it would have been necessary to state the names of the persons composing the said Union Bank, it shall be lawful and sufficient to state the name of such Secretary or Treasurer, and the death, resignation or removal of such Secretary or Treasurer, shall not abate or

render defective or in any wise affect or prejudice such indictments, informations or other criminal proceedings.

III. And it is hereby further enacted, that no action which may be commenced against the said Union Bank, or the Secretary or Treasurer for the time being of the said Union Bank, upon or arising out of any contract entered into by or on behalf of the said Union Bank, shall be in any wise affected or defeated by, or by reason of the plaintiff or plaintiffs therein, or of any other person or persons who may be in any wise interested or concerned in such action, being a Member or Members of, or a Shareholder or Shareholders, or a Partner or Partners in the said Union Bank, but any Member or Members, or Shareholder or Shareholders of, or Partner or Partners in, the said Union Bank, shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against the said Union Bank, or the Secretary or Treasurer for the time being thereof, upon any contract, and for any debt, damage or demand whatsoever which he or they might have had if he or they had been a stranger or strangers, and not a Member or Members, Shareholder, or Shareholders, Partner or Partners of or in the said Union Bank.

IV. And it is hereby further enacted, that no action commenced by or on behalf of the said Union Bank in the name of the Secretary or Treasurer for the time being thereof, by virtue of this Act, upon, or arising out of any contract whatsoever entered into by or on behalf of the said Union Bank, or for the recovery of any debt or demand whatsoever due or owing to the said Union Bank, or for any other cause or any other account shall be in anywise affected or defeated by or by reason of the defendant or defendants therein, or any person or persons who may be in anywise interested or concerned in such action being a Member or Members, Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank, but the said Union Bank shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against any Member or Members, Shareholder or Shareholders thereof, either alone or jointly with any other person or persons, upon any contract, and upon and for any debt, damage, or demand whatsoever which the said Union Bank might have had if such cause of action had arisen with a stranger or strangers, and not with a Member or

Members, or Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank.

V. And it is hereby further enacted, that the Directors of the said Union Bank shall cause a Memorial, in the form and to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit of, containing the name, residences, and descriptions of the Directors, Secretary, and Treasurer, and of the several persons being Members and Proprietors of the said Union Bank, to be verified by a declaration in writing, to be made before the Master in Equity of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, by the Secretary, or some one of the said Directors, for the time being, and the same shall be enrolled amongst the records of the said Supreme Court within twelve calendar months next after the passing of this Act; and whenever any new Director or Directors, or Secretary or Treasurer, shall be elected, a like Memorial shall be verified and enrolled as aforesaid, specifying in whose place or places, he or they shall be appointed, within twelve calendar months after such appointment, and whenever any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Union Bank, a Memorial of his, her, or their names shall be in like manner verified within twelve calendar months after such person or persons shall have so ceased or discontinued to be such Proprietor or Proprietors, in the Form expressed in the said Schedule for that purpose; and when any new Proprietor or Proprietors shall be admitted into the said Union Bank, a Memorial of his, her, or their names shall be in like manner verified and enrolled among the records of the said Supreme Court of Judicature within twelve calendar months afterwards, according to the Form in the said Schedule. Provided always, that if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false declaration shall be guilty of a misdemeanor.

VI. And it is hereby further enacted, that until such Memorial as first hereinbefore mentioned shall have been deposited and enrolled as hereinbefore directed, no action or suit shall be brought by the said Union Bank under the authority of this Act, and until the Memorial by this Act required to be deposited and enrolled, in the event of any person or persons ceasing or discontinuing to

be a Director or Secretary or Treasurer or Member of the said Union Bank, shall have been deposited and enrolled, as hereinbefore mentioned, the person or persons whose names shall appear in the last Memorial which shall have been made and enrolled shall be and are hereby declared to be liable to all such actions, suits, and executions upon judgment or decree, and other proceedings under this Act, in the same manner as if he, she, or they had not ceased or discontinued to be a Director, Secretary, or Treasurer, or Proprietor of the said Union Bank.

VII. And it is hereby further enacted, that an examined copy of every Memorial to be deposited and enrolled pursuant to this Act, certified to be a true copy by and under the hand and signature of the Keeper of Records and Monuments for the time being of the said Supreme Court of Judicature, shall be received in evidence as proof of the contents of such Memorial, and proof shall not be required that the person by whom the Memorial, purports to be verified was, at the time of such verification, one of the Directors of the said Union Bank.

VIII. And it is hereby further enacted, that all and every judgment and judgments, decree and decrees, order and orders, made or pronounced in any action, suit, or proceedings in any Court of Law or Equity within the limits of the Territories of the East India Company against the Secretary or Treasurer for the time being of the said Union Bank, shall, subject to the express provisions of this Act, have the like effect and operation upon and against the property and funds of the said Union Bank as if such judgment, decree or order had been made or pronounced against all the Members of the said Union Bank, and as if all the Members of the said Union Bank had been parties before the Court to such action, suit and proceedings, and as if this Act had not passed.

IX. Provided always and it is hereby further enacted, that in case execution, upon any judgment or decree in any such action or suit obtained against the Secretary or Treasurer of the said Union Bank, as defendent or respondent or otherwise, shall have been issued and taken out against the funds and property of the said Union Bank, under the provisions of this Act, and shall be ineffectual for obtaining full payment and satisfaction for the sum or sums sought to be recovered, then and in such

case execution upon any such judgment or decree shall be issued against any other Individual Proprietor or Proprietors of the said Union Bank successively, as it may become necessary to enforce payment and satisfaction of the said judgment or judgments. Provided also that every such Secretary or Treasurer in whose name any such action or suit shall be commenced, prosecuted, or defended, and every Director or Member against whom execution upon any judgment or decree obtained in any such action or suit shall be issued as aforesaid, or as hereinafter mentioned, shall always be reimbursed and paid out of the funds or property of the said Union Bank all such loss, damages, costs and charges, as by the event of any such proceedings he or they shall be put unto or become chargeable with, and if the funds or property of the said Union Bank shall be insufficient to pay the said loss, damages, costs or charges, then the deficiency shall be made good by the Proprietors for the time being of the said Union Bank. Provided also, that if any such execution against the Secretary or Treasurer or Member or Members for the time being of the said Union Bank shall be ineffectual for obtaining payment of the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties so having obtained judgment or decree against the Secretary or Treasurer for the time being of the said Union Bank, to issue execution against any other person or persons who was or were a Member or Members thereof at the time the Contract or Contracts was or were entered into upon which such action or suit was or were instituted, but no such execution shall be issued against any other person than the actual party to the action or suit without leave first granted in open Court by the Court in which such action or suit may have been brought or instituted, and when motion shall be made or notice to the person or persons sought to be charged. Provided also, that nothing herein contained shall render such past Members or Proprietors liable for payment of any debt or claim for which such action, suit or proceedings may have been brought to which they would not have been liable by operation of Law as Partners in case any action or other proceeding had been originally brought against them for the same.

X. And whereas it is expedient that every Member of the said Union Bank againt whom any execution shall be issued upon

any judgment or decree under the authority of this Act should have an easy and expeditious mode of recovering all such losses, damages, costs and charges, as he or she shall be put to or become chargeable with in consequence thereof. It is therefore hereby enacted, that if any execution upon any judgment or decree obtained in any action, suit, or proceeding under this Act shall be issued against any other Proprietor or Member of the said Union Bank, and such Proprietor or Member shall not, within the space of one month next after the issuing thereof be reimbursed out of the funds or property of the said Union Bank, all such moneys, costs, charges, losses and expenses as he or she shall have paid or been put to or become chargeable with in consequence of such execution having been issued against him or her, it shall be lawful for such Member or Proprietor to divide such moneys or costs or charges, or so much thereof as he or she shall not have been reimbursed as aforesaid, into as many equal parts or shares as the Capital of the said Union Bank shall at that time be divided into, and each and every Proprietor for the time being of any share or shares in the said Company shall, in proportion to the number of shares which he or she may hold in the said Union Bank, pay one or more of such parts or shares upon demand to the Member or Proprietor against whom such execution shall have issued, or to his or her Executors or Administrators, and upon the neglect or refusal of any Proprietor of the said Company to pay upon demand his or her due and fair proportion of such moneys, costs and charges, then and in such case it shall be lawful for the Proprietor or such person to whom the same ought to have been paid, to sue for and recover the same in and by action, suit or plaint, against the Proprietor, or the Executors or Administrators of any Proprietor who shall so neglect or refuse as aforesaid, in Her Majesty's Supreme Court of Judicature in Calcutta.

XI. And it is hereby enacted, that the Secretary or Treasurer for the time being of the said Union Bank, or any Member of the said Union Bank, being the plaintiff, appellant, petitioner or prosecutor, or being of the defendant or respondent in any action, suit, petition, proceeding, prosecution or indictment, commenced, instituted or prosecuted in the Courts, and within the limits aforesaid, by or against the said Union Bank, shall not by reason thereof be deemed incompetent to be a witness in any such

action, suit, petition, proceeding, prosecution or indictment; but such Secretary or Treasurer, or Member of the said Union Bank, as aforesaid, shall and may, if not otherwise interested or objectionable, be a good and competent witness, and be admissible and be admitted as such in all the Courts above mentioned, and by and before all Judges, Justices and others, within the limits aforesaid, in any such action, suit, petition, proceeding, prosecution or indictment, in the same manner as he or they might have been if his or their name or names had not been made use of as the plaintiff or appellant, petitioner or prosecutor, defendant or respondent in any such action, suit, petition, proceeding, prosecution or indictment, or other proceeding.

XII. And it is hereby further enacted, that any individual Member or Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his. her or their shares and interests therein, and who shall claim payment of any dividends of the funds or profits of the said Union Bank due and payable to him her, or them, and not also disposed of and parted with along with such share or shares, or any other right or interest against the said Union Bank generally, shall and lawfully may commence and carry on in any Court of Equity within the limits aforesaid any suit or other proceeding against the Secretary or Treasurer of the said Union Bank for the time being, and in like manner such Secretary or Treasurer for the time being may commence and carry on in his own name, by and on behalf of the said Company, any suit or other proceeding in any Court of Equity within the limits aforesaid, against any individual Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his, her, or their shares and interest therein against whom the said Union Bank generally may have any claim or demand, and all such suits and proceedings shall be as valid and effectual as if all the Members of the said Union Bank had been made parties, and every decree and order made therein shall be binding for or against the said Union Bank, and no abatement shall arise from the death, resignation or removal, or any act or proceeding of any such Secretary or Treasurer pending the suit, nor shall such suit be deemed defective by reason thereof. Provided always that in

case, for the purpose of discovery or for any other purpose, any person or persons (whether Members of the said Union Bank or not) having claims or demands against the said Union Bank, shall be desirous to include any other Member or Members of the said Union Bank, besides the Secretary or Treasurer for the time being as a defendant or defendants in any bill or other proceeding in any Court of Equity within the limits aforesaid, it shall be lawful for him, her, or them so to do—any thing in this Act contained to the contrary notwithstanding.

XIII. And it is hereby further enacted, that no person or persons, body or bodies, politic or corporate, having or claiming to have any demand upon or against the said Union Bank, shall, when the same has been so determined as to have been pleadable in bar against such person or persons, body or bodies, politic or corporate, bring more than one action or suit in respect of such demand, and the proceedings in any action or actions, suit or suits, which may have been brought against the Secretary or Treasurer for the time being of the said Union Bank under the authority of this Act, if so determined, may be pleaded in bar of any action or actions, suit or suits, in any of the Courts aforesaid for the same cause against any other Secretary or Treasurer, or against any Member of the said Union Bank, and that in case of any demand which the said Union Bank now has or hereafter may have upon or against any person or persons, body or bodies, politic or corporate, whether a Member or Members of the said Union Bank or not, and which shall have been determined in any action or suit, commenced or prosecuted by the Secretary or Treasurer for the time being of the said Union Bank, the proceedings in such action or suit may be pleaded in bar of any other action or suit, or actions or suits, in any of the Courts aforesaid for the same demand which may be commenced or prosecuted by the same, or any other Secretary or Treasurer of the said Union Bank.

XIV. Provided always and it is hereby further enacted, that nothing to this Act contained shall extend, or be construed to extend to incorporate the said Union Bank, or to relieve or discharge the said Union Bank from any responsibility, contract, duty, or obligation whatever, to which by law they now are or at any time hereafter may be, subject or liable, either as between the said Union Bank and other parties or as between the

said Union Bank, and any of the individual Members of the said Union Bank, or any them and others or amongst themselves, or in any manner whatsoever.

XV. And it is hereby further enacted, that this Act, and the provisions herein contained, shall extend and be construed to extend to the said Company, called the Union Bank at all times during the continuance thereof, whether the said Union Bank hath been, or be now, or shall hereafter be, composed of all, or of some of the persons, who were the original Members thereof, or of all or some of those persons, together with some other person or persons, or whether the said Union Bank, be, at the time of the passing of this Act, composed altogether of persons who were not original Members of the said Union Bank, or whether the said Union Bank shall hereafter be composed of persons who were not original Members thereof, or of persons all of whom shall become Members subsequently to the passing of this Act.

THE SCHEDULE REFERRED TO IN THIS ACT.

Original Memorial of Directors to (a) Secretary and Members.

Memorial made the day of of the names of the present Directors, Secretary, Treasurer and Members of the "Union Bank of Calcutta," pursuant to an Act of the Legislative Council of India passed in the year of Christ 1845, intituled "An Act to enable the Union Bank of Calcutta to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company."

C. D., of and E. F., of	Directors.
G. H.	Secretary.
I. J. K. L., &c.	Proprietors.

I, C. D., one of the Directors or Secretary of the Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the present Directors, Secretary, Treasurer, and of all the present Proprietors of the said Union Bank, as the same appear in the books of the said Union

(a) *Sic* in Act.

Bank, and make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Act, substituting declarations in lieu of Oaths and Affirmations.

Declared, &c, before me, Master of the Supreme Court of Judicature } (Signed C. D.)

In case of change of Directors or Secretary

Memorial made the day of of the names of new Directors or Secretary of "The Union Bank," and of the persons in whose places they have (or he has) been appointed, pursuant to an Act passed in the year of Christ 1845, intituled, &c.

E. F., of Director in the place of A. B.

G. H., of Secretary in the place of C. D.

I, E. F., one of the Directors, Treasurer or Secretary of the said Union Bank, do solemnly and sincerely declare that the above written Memorial contains the names of the new Secretary or Treasurer or Directors of the said Union Bank, and of the persons in whose place they have (or he has) been appointed as the same appear in the books of the said Union Bank, and I make this solemn declaration, &c. (as before.)

(Signed E. F.

Declared, &c, &c }

N.B.—The last Memorial as to new Directors or Secretary or Treasurer, was enrolled on the day of 18

In the case of retirement of Members

Memorial made the day of of the names of the persons who have ceased or discontinued to be Members of the Union Bank of Calcutta, since the day of , being the date of the Memorial last registered respecting the Members of the said Union Bank, enrolled pursuant to an Act passed, &c., intituled, &c.

A. B., of

I, E. F., of , one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above Memorial doth contain the name or names of the persons who have ceased or discontinued to be Members of the said Union Bank, since the day of and I make this solemn declaration (as before)

(Signed) E. F.

Declared, &c., &c. }

N.B.—The last Memorial as to retirement of Members was enrolled on the day of One Thousand Eight Hundred and

Memorial made the day of

In case of new Members.

of the names of the persons who have become new Members of "the Union Bank of Calcutta" since the day of One Thousand Eight Hundred and (being the date of the Memorial last registered respecting new Members of the said Union Bank), enrolled pursuant to an Act, &c,

J. K., of
L. M., of

I, A. B., of , one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above Memorial doth contain the names of the persons who have become new Members of the said Union Bank since the day of One Thousand Eight Hundred , and I make this solemn declaration, &c. (as before).

(Signed) A. B.

Declared, &c., &c. }

N.B.—The last Memorial, as to new Members, was enrolled on the day of , One Thousand Eight Hundred and

Memorial made this day of

Memorial of several changes.

of the names of the new Directors and Secretary of the Union Bank of Calcutta and of the persons in whose place they have respectively been appointed, and of the names of the persons who have ceased or discontinued to be Members of the said Union Bank, and of the new Members of the said Union Bank, enrolled pursuant to an Act passed, &c.

Names of the new Directors and of the persons in whose places they have been appointed.

E. F., of in the place of A. B., of
G. H., of in the place of C. D., of

Names of the persons who have ceased to be Members.

A. B., of
C. D., of

Names of New Members.

J. K., of

L. M., of

I, E. F., of one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above-written Memorial doth contain the names of the new Directors and Secretary of the Union Bank, and of the persons in whose places they have been appointed, and of the persons who have ceased to be Members of the said Union Bank, and of the new Members of the said Union Bank, as the same respectively appear in the Books of the said Union Bank, and I make this solemn declaration, &c. (as before).

Declared, &c., &c. } (Signed) E. F.

N.B.—The last Memorial as to new Secretary was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to new Directors was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to the retirement of Members. was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to new Members was enrolled on the day of One Thousand Eight Hundred and

Obsolete.

BENGAL.—PILOT COURT.

Act No. XXIV. of 1845.

[*Passed on the 22nd November,* 1845.

1. If any person in pilot service shall be accused of breach of duty, &c., and it appears to Superintendent of Marine, he should be brought to trial, he shall be tried before Court composed of President, two Merchants, &c., four Commanders, &c., and two Branch or Master Pilots, &c.

2. President to be appointed by Governor of Bengal.

3. Superintendent of Marine to convene the Court by notice to the President, and summons to two merchants, &c. The Court to consist of at least four members, and decide according to vote of majority, President having a casting vote.

4 In case President, after Court has met, shall be prevented by sickness from attending, the members, not being less than five, may elect a President, &c.

5 Persons summoned by Superintendent and neglecting, &c., to attend, &c, or to remain in attendance, to be liable to be fined 200 Rupees, and J. P. to enforce such fine as if imposed by himself.

6. Proceedings before Court to be conducted by Judge Advocate, &c.

7. Judge Advocate may summon witnesses to be examined before Court, &c. or in specified cases, before President and two members of the Court, &c., but notice of examination to be given to party accused, &c.

8 Witnesses to be privileged from arrest eundo, morando, abeundo, and if arrested, may be discharged by the Court, &c. Witness refusing to attend, or to answer lawful questions, to be liable to attachment in the Supreme Court.

9. The form of oath to be taken by President and members of the Court, &c.

10. Form of oath to be taken by the Judge Advocate, &c.

11. Witness to be examined on oath, or in certain cases on solemn declaration, &c.

12. Giving false testimony before the Court, to be deemed perjury.

13. If person accused shall not satisfy the Court that he has reasonable excuse for appearing, the Court may proceed in his absence, and Court may sentence to dismissal from the service, or to loss of rank or pay, &c., as the Court may deem fit, &c., whether the offence be punishable under the Pilot Code or not.

14. Punishment to be awarded according to the Pilot Code where the offence is within it.

15. Pilot Code to remain in force as to offences specified in it; as to other offences, the Superintendent may frame the charge according to the facts of the case.

16. This Act not to deprive the Superintendent of the power of deciding summarily.

17. Proceedings of Court, on completion of trial, to be sent to Superintendent of Marine, who may send back the same for revision of finding or sentence, &c.

18. Every finding and sentence, &c., to be subject to the approval of G. of B. and not to be final until approved by G. of B. who may remit, &c., sentence: decision of G. of B. to be final and carried into effect.

19. Superintendent of Marine may make rules for conducting proceedings, &c. Rules to be submitted to G. of B. for confirmation.

An Act for establishing a Court for the trial of Officers of the Pilot Service accused of breach of duty.

Repealed by Act XII., 1859.

MADRAS.—EMIGRANT SHIPS FROM MADRAS.

ACT No. XXV. OF 1845.

[*Passed on the 20th December*, 1845.

1. Recites sec. 8 of Act XXI., 1844, and repeals it as to emigrant vessels from Madras.

2. Emigrant vessels from Madras to Jamaica, British Guiana, or Trinidad shall sail only between the 31st, August and 1st of March.

An Act for regulating the time of sailing of Ships carrying Emigrants from Madras to Jamaica, British Guiana and Trinidad.

Repealed by Act XIII., 1864.

CALCUTTA.—SPIRIT LICENCES.

Act No. XXVI. of 1845.

[*Passed on the 27th December*, 1845.

1. G. of B. may confer powers relative to granting and withholding spirit licenses in Calcutta, on whomsoever he pleases.

2. G. of B. may regulate the form of licenses, &c., and vary, &c., the terms thereof.

3. Such fee or tax may be exacted for license as the G. of B. may fix, &c.

4. License may be recalled, &c., if tax not duly paid: person selling spirits after recall of licence to be liable to same penalties as for selling without licence.

An Act to regulate the granting and withholding Licences for the Sale of Liquors within the Town of Calcutta.

Repealed by Act XI., 1849.

BENGAL.—ASSISTANT MAGISTRATES.

Act No. XXVII. of 1845.

[*Passed on the 27th December*, 1845.

1. Assistant Magistrates, &c., shall be competent to decide cases under Act IV. of 1840.

2. Magistrate may recall cases which he has referred to his assistant, and decide them himself.

An Act for enabling Assistant Magistrates vested with special powers to decide Cases under the Provisions of Act. IV. of 1840.

Repealed by Act XVII., 1862.

MADRAS.—SUPREME COURT.

Act No. XXVIII. of 1845.

[*Passed on the 27th December*, 1845.

1. In Supreme Court at Madras, one Judge may sit apart for dispatch of criminal business, when other Judge is sitting in Supreme Court, &c.

2. All business which Court has power to transact in term, Court may transact out of term, &c.

An Act for the Improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Fort St. George.

I. It is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Fort St. George, when occasion shall so require to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid shall be good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of said Court.

II. And it is hereby furthur enacted, that all business of what nature or kind soever which the said Supreme Court of Judicature at Fort St. George may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term, shall be as good, valid, and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term and that all Rules and orders of the said Court, as to all Judgments, Executions or other proceedings in term, shall be applicable and shall be applied to all Judgments, Executions or other proceedings given, issued, or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

BOMBAY.—JOINT ZILLAH AND SESSIONS JUDGES.

ACT No. XXIX. OF 1845.

[*Passed on the 27th December*, 1845.

1. G. in C. of Bombay with consent of G. G. in C. may appoint in any Zillah

a Joint Judge, with extensive jurisdiction, &c., but to transact only business he may receive from Zillah Judge.

2. Same rules to guide the Joint Judge as the Zillah Judge.

3. Joint Judge to take oath of office, or make declaration.

4. Joint Judge to use same seal as Zillah Judge.

5, 6, 7, and 8. Same provisions for appointment, &c., when expedient, of Joint Sessions Judge

An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, with the consent of the Governor General of India in Council, whenever the state of Civil Judicial business may render it expedient, to appoint in any Zillah, within the Territories subject to the Presidency of Bombay, a Joint Judge, who shall be vested with co-extensive powers and a concurrent jurisdiction with the Judge of the Zillah, except that he shall not keep a file of Civil suits, but shall transact such Civil business only as he may receive from the Judge of the Zillah.

II. And it is hereby enacted, that the Rules and Regulations at present in force, or which may hereinafter be enacted for the guidance of the Judge, shall be equally applicable to the Joint Judge.

III. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Judge shall take the oath prescribed for the Judge, with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

IV. And it is hereby enacted, that the seal of the Joint Judge shall be the same as is used by the Judge of the Zillah.

V. And it is hereby enacted, that it shall be lawful for the said Governor in Council, with the consent of the said Governor General in Council, whenever the state of Criminal Judicial business may render it expedient, to appoint in any Zillah within the said Territories a Joint Session Judge who shall be vested with co-extensive powers and a concurrent jurisdiction with the Session Judge of the Zillah, except that he shall not receive original complaints, but shall transact such Criminal business only as he may receive from the Session Judge of the Zillah.

VI. And it is hereby enacted, that the Rules and Regulations

at present in force, or which may hereafter be enacted, for the guidance of the Session Judge, shall be equally applicable to the Joint Session Judge.

VII. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Session Judge shall take the oath prescribed for the Session Judge with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

VIII. And it is hereby enacted, that the seal of the Joint Session Judge shall be the same as is used by the Session Judge of the Zillah.

MADRAS.—FINES AND COMPENSATION.

ACT No. XXX. OF 1845.

[*Passed on the 27th December*, 1845.

Session Judges may, in sentencing to a fine, award same, &c., to party injured, as is done by Magistrates.

An Act for enabling Session Judges within the Madras Presidency to award fines in compensation to injured parties.

Repealed by Act XVII., 1862.

BOMBAY.—MILITARY AND NAVAL PENSIONS.

ACT No. XXXI. OF 1845.

[*Passed on the 27th December*, 1845.

1. Reduced pay or pension of invalid officers, &c., of Bombay army, granted in consideration of past services, &c., not to be liable to seizure, &c., unless assigned over by pensioner prior to passing of this Act.

2. All assignments, &c., of pension by pensioner after passing of this Act, to be null and void. But pensioner may assign monthly or other part of pension after same has become due.

An Act for exempting the Pensions of Soldiers and others from Attachment by Process of the Courts of the East India Company.

Repealed by Act VI., 1849, and Re-enacted with extension to all the Presidencies.

MADRAS.—EUROPEAN DISTILLERIES.

ACT No. XXXII. OF 1845.

[*Passed on the 27th December*, 1845.

1. Repeals Cls. 2 and 3, sec. 4, Reg. 1, 1830, of Madras Code

2. Licenses under sec. 4, of Reg. 1, 1820, for establishment of Distilleries, &c., shall be in form prescribed by Board of Revenue, and with stipulations for the exportation of all manufactures, or sale of it to civil and military officers, &c., or to Abkarry renters, &c., but not to licensed retail dealers, &c.

3. Breach of distillery license to be punishable with forfeiture of license, or fine, &c.

4. European British subjects, as well as others, on conviction, &c., to be subject to penalties, &c., except that European shall not be subjected to hard labour.

5. Judge in sentencing European to imprisonment, may direct the imprisonment to be in the Gaol at Madras.

6. Directs the Gaoler at Madras to receive European so sentenced.

An Act to modify Regulation I. of 1820 of the Madras Code, relative to Manufacturing Spirituous Liquors by the European process of distillation.

I. Whereas it is expedient to modify Regulation I. of 1820 of the Madras Code, and to allow persons manufacturing Spirituous Liquors by the European process of distillation to dispose of the same under certain conditions for consumption within the Territories of the Presidency of Fort St. George: and whereas it is desirable to remove certain doubts which have existed as to whether European British subjects are, equally with other parties, amenable to the Local Authorities in the Provinces for offences committed in violation of the said Regulation I. of 1820 of the Madras Code, it is hereby enacted, that Clauses 2 and 3, Section IV., Regulation I., 1820, of the said Code, be repealed.

II. And it is hereby enacted, that the Licenses to be granted under Section IV., Regulation I., 1820, of the Madras Code, for the establishment of all Distilleries for manufacturing Rum, Arrack, or other Spirits by process of distillation similar to the European system, shall be prepared according to a form, to be approved by the Board of Revenue, and shall contain a stipulation that the whole of the Spirituous Liquors manufactured at such Distillery shall be exported by Sea, or shall be sold only to the Civil or Military Officers of Government empowered to purchase the same on account of the Public Service, or to Abkarry Renters,

for retail sale, within the limits of their respective farms, but not to the licensed retail dealers of Madras contemplated by Section VII., Regulation I., 1813, of the Madras Code.

III. And it is hereby enacted, that any person, whether European or not, who, in breach of the stipulation in his Distillery License, held under the provisions of the foregoing Section, and of Clause I., Section IV., Regulation I., 1820, Madras Code, shall, directly or indirectly, sell or permit to be sold, any such Spirituous Liquors to any European Sailor or Soldier, or to any Native of India, or other person, save and except to those persons to whom it is hereinbefore declared that such Liquors may be lawfully sold, shall, on proof thereof to the satisfaction of the Collector of Revenue, by whom such License shall have been granted, be liable to the forfeiture of his License, or to a fine not exceeding Rupees 1,000 for every such offence, subject to the confirmation of the Board of Revenue, to whose final decision every such case shall be referred.

IV. And it is hereby enacted, that European British subjects, as well as other parties guilty of the offences specified in Regulation I. of 1820, shall, on conviction before the Session Judge or Subordinate Judge of the Zillah, be subject to the penalties therein severally and respectively provided against the commission of such offences, save and except that no European British subject shall in any case be liable to hard labor when imprisoned in pursuance of a sentence passed upon him under that Regulation, but that any fines which may be imposed for acts done in breach of the provisions of the said Regulation or of the provisions of Sections 2 and 3 of this Act, shall, in default of payment, be recovered by the distress and sale of the property of the parties against whom such fines shall have been adjudged.

V. And provided also, that it shall be lawful for the Session Judge or Subordinate Judge of the Zillah in sentencing any European British subject to imprisonment to direct that the imprisonment shall be in the Gaol at Madras.

VI. And it is hereby enacted, that the Gaoler of the Gaol at Madras shall receive into the said Gaol any European British subject so sentenced as aforesaid, and keep him there imprisoned during the term of his sentence, in the same manner as if he had been sentenced by the Supreme Court.

BENGAL.—PLEADERS.

ACT No. I. OF 1846.

[*Passed on the 7th January*, 1846.

1. Repeals (of the Bengal Code) Section 15, Regulation 23, 1814. Clause 7, Section 2; Clause 11, Section 3; Clause 4, Section 8, Regulation 26, 1814. Clause 3, Section 3, Section 7; Clause 1, Section 15; Sections 23, 24, 28, 29, 32, 33, 34, 35, and Clause 1, Section 39, Regulation 27, 1814. Clause 2, Section 10, Regulation 28, 1814. Section 9, Regulation 19, 1817. Section 6, Regulation 11, 1826. Section 30, Regulation 5, 1831. Section 7, Regulation 9, 1831. Section 11, Regulation 7, 1832. Regulation 12, 1833, and Act 13, 1838.

2. Repeals (of the Madras Code) Clauses 2 and 3, Section 14, Regulation 6, 1816. Section 7, Clause 1, Section 15, and Sections 23, 24, 28, 29, 32, 33, 34, 35, Regulation 14, 1816. Clause 7, Section 4; Clause 11, Section 5; Clause 4, Section 8, Regulation 15, 1816; Clause 3, Section 6, Regulation 1, 1827; Clause 3, Section, 6, Regulation 7, 1827. Section 5, Regulation 6, 1828. Section 4, Regulation 4, 1832.

3. Repeals (of the Bombay Code) Clause 3, Section 47, Clause 2, Section 48, Section 55, Regulation 2, 1827, and specified parts of Clause 1, Section 7, Regulation 29, 1827.

4. Office of Pleader in Courts of East India Company, shall be open to all persons, &c., but no person to be admitted without certificate, &c.

5. Barristers of Her Majesty's Courts may plead in Sudder Courts, subject to same rules as pleaders, &c.

6. Section 25, Bengal Regulation 27, 1814; Section 25, Madras Regulation 14, 1816; Section 52, Bombay Regulation 2, 1827, shall cease to be enforced, except for purpose specified in Section 7 of this Act.

7. Parties employing authorized pleaders may settle by private agreement the remuneration to be paid, &c. But costs when awarded against adverse parties shall be calculated according to rules, &c. Costs in cases other than those decided on the merits shall be one-fourth of those allowed in the latter.

8. Private agreements between parties and pleaders respecting remuneration, to be enforced only by regular suit.

9. Repeals so much of Section 20, Bengal Regulation 27, 1814; and Section 20, Madras Regulation 14, 1816; as prescribes fees for pleader's opinions; such fees to be settled by private agreement.

10. Principal Sudder Ameen and Sudder Ameen may impose fines on pleaders, subject to appeal, &c.

11 and 12. Pleaders to be subject to same rules in Moonsiffs' Courts as in Zillah Courts, &c., and Moonsiff may impose fines on pleaders, subject to appeal, &c.

13. This Act not to apply to Vakeels, &c., in specified cases in Madras Presidency.

An Act for amending the Law regarding the appointment and

remuneration of Pleaders in the Courts of the East India Company.

I. It is hereby enacted, that Section 15, Regulation XXIII., 1814; Clause Seventh, Section 2, Clause Eleventh, Section 3, Clause Fourth, Section 8, Regulation XXVI., 1814; Clause Third, Section 3, Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Clause First, Section 39, Regulation XXVII., 1814; Clause Second, Section 10, Regulation XXVIII., 1814; Section 9, Regulation XIX., 1817; Section 6, Regulation XI., 1826; Section 30, Regulation V., 1831; Section 7, Regulation IX., 1831; Section II., Regulation VII., 1832; Regulation XII., 1833, of the Bengal Code; and Act No. XIII. of 1838, be repealed. [By Act XX., 1853, Regulation XXVII., 1814, s. 16, is repealed.]

II. And it is hereby enacted, that Clauses Second and Third, Section 14, Regulation VI., 1816; Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Regulation XIV., 1816; Clause Seventh, Section 4, Clause Eleventh, Section 5, Clause Fourth, Section 8, Regulation XV., 1816; Clause Third, Section 6, Regulation I., 1827; Clause Third, Section 6, Regulation VII., 1827; Section 5, Regulation VI., 1828; Section 4, Regulation IV., 1832, of the Madras Code, be repealed. [By Act XX., 1853, Regulation XIV., 1816, s. 16, is repealed.]

III. And it is hereby enacted, that Clause Third, Section 47, Clause Second, Section 48, Section 55, Regulation II., 1827, of the Bombay Code; and so much of Clause First, Section 7, Regulation XXIX., 1827, of the same Code, as empowers the Zillah Judges of the Deccan and Kandeish to examine Pleaders and grant Certificates of qualification to practise in their Courts, be repealed.

IV. And it is hereby enacted, that the Office of Pleader in the Courts of the East India Company, shall be open to all persons of whatever nation or religion, provided that no person shall be admitted a Pleader in any of those Courts unless he has obtained a Certificate in such manner as shall be directed by the Sudder Courts, that he is of good character and duly qualified for the Office, any Law or Regulation to the contrary notwithstanding. [By Act XX., 1853, s. 4, Barristers and Attorneys of the Supreme Courts are excepted from this proviso.]

V. Provided nevertheless, and it is hereby enacted, that every Barrister of any of Her Majesty's Courts of Justice in India, shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the Rules in force in the said Sudder Courts applicable to Pleaders, whether relating to the language in which the Court is to be addressed, or to any other matter.

VI. And it is hereby enacted, that Section 25, Regulation XXVII., 1814, of the Bengal Code; Section 25, Regulation XIV., 1816, of the Madras Code; and Section 52, Regulation II., 1827, of the Bombay Code, shall cease to be enforced, excepting for the purpose specified in Section VII. of this Act.

VII. And it is hereby enacted, that parties employing authorized Pleaders in the said Courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and that it shall not be necessary to specify such agreement in the Vakalutnama; provided that when costs are awarded to a party in any regular Suit, original or appeal decided on the merits, against another party, the amount to be paid on account of fees of Pleaders, shall be calculated according to the Rules contained in the Sections of Regulations specified in Section VI. of this Act; and that when costs are awarded in other cases, the amount to be paid on account of such fees shall be one-fourth of what it would have been in a regular Suit decided on its merits.

VIII. And it is hereby enacted, that private agreements between parties and their Pleaders, respecting the remuneration to be paid for professional services, shall not be enforced otherwise than by a regular Suit.

IX. And it is hereby enacted, that so much of Section 20, Regulation XXVII., 1814, of the Bengal Code, and of Section 20, Regulation XIV., 1816, of the Madras Code, as prescribes the rate of fees to be received by authorized Pleaders for legal opinions, be repealed and that person taking such opinions from authorized Pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

X. And it is hereby enacted, that whenever a Pleader has render himself liable to a fine in the Court of a Principal Sudder Ameen or Sudder Ameen, it shall be competent to such Principal

Sudder Ameen or Sudder Ameen to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final. [Repealed as respects Bengal by Act XVIII. 1852, s. 1.]

XI. And it is hereby enacted, that the Rules applicable to Pleaders in the Courts of the Zillah and City Judges, shall henceforth be applicable, so far as they are capable of application, to Pleaders in the Moonsiffs' Courts. [Also repealed as respects Bengal by same Act.]

XII. And it is hereby enacted, that whenever a Pleader has conducted himself in such a manner in the Court of a Moonsiff as would have rendered him liable to a fine if he had so conducted himself in the Court of a Zillah or City Judge, it shall be competent to such Moonsiff to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XIII. And it is hereby enacted, that nothing in this Act contained shall apply to Vakeels who may be employed in the Courts of the Village Moonsiffs, or before the Village or District Punchayets, or before the Collectors of Zillahs, under the provisions of Regulations IV., V., VII., and XII., 1866, of the Madras Code.

By Act XX., 1853, the Law relating to Pleaders in the Courts of the East India Company, is amended. Both Acts are Repealed by Act XX., 1865, so far as they affect the Territories to which that Act extends.

BOMBAY.—COTTON.

Act No. II. of 1846.

[*Passed on the 7th January*, 1846.

1. Unscrewed cotton may be exported, but not in a square rigged vessel, from any subordinate port of Bombay, and from any Madras port, to port of Bombay free of duty specified in Schedules of Act I., 1838, and Act VI., 1844, &c.

2. Cotton wool may be imported into port of Bombay from any port of India free of duty specified, &c., in Act I., 1838.

An Act relating to Unscrewed Cotton exported from the Continent of India and imported at the Bombay Presidency.

Repealed by Act I., 1852.

BOMBAY.—BOUNDARY MARKS.

ACT No. III. OF 1846.

[*Passed on the 7th January*, 1846.

1. Revenue officers under authority of G. in C. may require boundary marks to be set up by owners, &c.

2. Such requisition to be in specified form and made in specified manner.

3. In default of owners complying with requisition, Revenue officers may direct marks to be set up, cost to be apportioned, &c., or paid out of village revenue.

4. Person out of possession claiming right, to pay cost of setting up marks, before his claim is allowed.

5. Any person erasing, removing, &c., field boundary marks, to be liable to fine, &c.

6. Revenue officers to possess authority for assessment and realization of all sums under this Act, &c.

Schedule. Form of requisition.

An Act for the establishment and maintenance of field boundary marks in the Presidency of Bombay.

Whereas it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields:

I. It is hereby enacted, that it shall be lawful, within the Territories subject to the Presidency of Bombay, for such Revenue Officers as the Governor in Council may entrust with that authority, to require that marks be erected and maintained by the Owners or Occupants on the boundaries of fields, of such materials, and in such number as may appear to such Officers sufficient for permanently distinguishing the limits of those fields.

II. And it is hereby enacted, that the requisition shall be served on the persons owning or occupying each field according to the form A. annexed to this Act, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or other conspicuous place in the Village, which shall be held to be a sufficient service.

III. And it is hereby enacted, that in default of the Owners or Occupants of the fields complying with the requisition, the

said Revenue Officers shall give directions for the erection and repair of such field boundary marks, the cost of which shall be equitably proportioned on the fields which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, or if there are no such persons forthcoming, to the revenues of the Village in which the fields are situated.

IV. And it is hereby enacted, that no person being out of possession and claiming a right of ownership or occupancy in the fields, the cost of erecting or maintaining whose boundary marks has been charged to the revenues of the Village, in consequence of his neglecting to defray the same, shall have his claim allowed until he makes good all sums so charged.

V. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing, or injuring field boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed, or injured, one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark.

VI. And it is hereby enacted, that authority for the assessment and realization of all sums due under the provisions of this Act, whether as costs or penalties, shall be vested in the Revenue Officers authorized to provide for the erection and maintenance of field boundary marks, and shall be exercised by them in conformity with the rules prescribed for the assessment and realization of Revenue demands in general, and that the proceedings of those Officers in all such matters shall be recorded in writing, and shall be subject to appeal to the Revenue Authorities to whom they are subordinate.

FORM A.

Whereas you are the Owner (Occupant, as the case may be) of the field in the Village of you are hereby required to fix boundary marks to the said field (by ridging or raising mounds of earth at the angles, or in such other mode as may be determined,) or to repair its present boundary, within days from this date, in default of which

the same will be done by the Government Officers, and the cost recovered from you under Act III. of 1846.

BENGAL.—LAND SALES UNDER DECREES.

ACT No. IV. OF 1846.

[*Passed on the 7th January,* 1846.

1 and 2. Repeal so much of secs. 10 and 11, Reg. 1, 1793; Sec. 7, Reg. 27, 1785; secs. 37, 38, Reg. 25, 1803: secs. 27, 28, Reg. 9, 1805, as relate to Government jumma, on lands sold under decree, &c. Also Reg. 45, 1793: 20, 1795; 12, 1796; secs. 15 to 26 both inclusive, Reg. 26, 1803; also so much of secs. 27, 28 of same as relates to satisfaction of decrees, and cls. 2 and 3, sec. 4, Reg. 7, 1825, and all Regulations extending the above repealed Regulations, &c.

3. In Presidency of Fort William attachments and sales of land, &c., in satisfaction of decrees, &c., shall be made by such Courts, &c., without reference to the revenue authorities, &c.

4. Holder of a decree, &c, on applying for a sale, shall file extract from Collector's register, specifying the jumma, &c.

5. Purchaser to deposit in cash, B. B. notes, &., 15 per cent. on amount of his bid, or, in default, property to be resold; as also in case purchaser fails to pay up purchase money, any loss on resale to be paid out of deposit, &c.

6. In N. W. P. attachments and sales under decrees to be made on requisition of the Court by Collectors, &c., except., &c.

7. Requisition to specify, what particulars.

8. In N. W. P. Collector to issue proclamation of sale, &c., 30 days previously, specifying name of proprietor, the jumma of the estate, and other specified particulars

9. Sec. 5 of this Act to apply to sales, &c., under decrees in N. W. P.

10. Sales under decrees in Presidency of F. W. to be of the nature of private transfers.

11. S. D. Adawlut to frame rules, &c., for attachments and sales in execution of decrees, &c. Rules to be approved of G. G. of I. in C.

12 and 13. Act not to have retrospective effect, nor to affect process of S. C. nor of Court of Requests, or any Court in Straits of Malacca.

An Act for amending the Law regarding the Sale of Land in Execution of Decrees in the Territories subject to the Presidency of Fort William in Bengal.

Repealed by Act X., 1861, and Superseded by the Code of Civil Procedure, Act VIII., 1859.

BOMBAY.—SURAT POLICE.

ACT No. V. OF 1846.

[*Passed on the* 15*th December*, 1846.

Repeals part of cl. 1, sec. 1, Bombay Reg. 4, 1830.

An Act for placing the Police of Surat under the Magistrate.

Whereas it has been judged expedient that the Police jurisdiction of the City and Sudder Station of Surat should be vested in the Magistrate of the said Zillah:

It is hereby enacted, that so much of Clause 1st, Section 1st, Regulation IV. of 1830, of the Bombay Code, as reserves to the control of the Judge and his Assistants the Police jurisdiction of the City and Sudder Station of Surat, be repealed.

N. W. PROVINCES.—BHUTTEE TERRITORY.

ACT No. VI. OF 1846.

[*Passed on the* 15*th December*, 1846.

1 and 2. Take out of operation of Reg. 5, 1832, specified pergunnahs of Bhuttee Territory, and places them under Agent of G. G. of I. in C. as it respects the administration of justice, police, and revenue.

3. G. G. of I. in C. may prescribe rules for agent, &c., and determine in what cases his decision shall be final, &c.

4 and 5. The cases in which appeal from agent is allowed, the Nizamut and S. D. A. respectively shall decide according to rules prescribed by G. G. in C.

An Act for the more convenient administration of the Government of the Country called the Bhuttee Territory.

Whereas much inconvenience has resulted from maintaining as a part of the Delhi Division the large and thinly peopled tract of Country called the Bhuttee Territory, extending from the borders of the Hissar District to the Ghana or Sutlege:

I. It is hereby enacted, that from and after the First day of January, 1847, the provisions of Regulation V. of 1832 of the Bengal Code, shall cease to have effect in the said Bhuttee Territory, consisting of the following Pergunnahs:

Durbah.	Sirsa.	Raneeah.
Goodah	Mullout.	Wuttoo.

II. And it is hereby enacted, that from and after the said day the administration of Civil and Criminal Justice, the Superin-

tendence of the Police, and the Collectiond an Superintendence of the Revenues of every description within the said Territory, shall vest in such Agent as the Governor General of India in Council shall appoint, and shall be exercised by the said Agent with the aid of such Assistants as shall be appointed by the said Governor General of India in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor General of India in Council to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of the Officers subordinate to his control and authority, in all Judicial and Revenue proceedings, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Nizamut Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the said Governor General of India in Council, the Nizamut Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper and in conformity with the prescribed rules.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it as to them may seem right and proper, and in conformity with the prescribed rules.

BENGAL.—WITNESSES' DIET MONEY.

ACT No. VII. OF 1846.

[*Passed on the 15th December*, 1846.

Modifies Clause 1, Sec. 2, Reg. 3, 1812, and empowers Magistrates to regulate the amount of deposit for diet money of witnesses in petty cases.

An Act regarding the Deposit of Diet Money for Witnesses in petty cases.

Repealed by Act XVII., 1862.

N. W. PROVINCES.—REVENUE SETTLEMENT.

ACT NO. VIII. OF 1846.

[*Passed on the 15th December*, 1846.

Recites the existence of some uncertainty as to the period for which the revenue settlement has been made in certain districts in the N. W. P. Enacts:

1. That the Government jumma of all villages included on May 1, 1846, within the specified districts, shall be fixed until the dates specified in Act.

2. Mouzas transferred, &c., to permanently settled districts, &c., shall be held for ever on the highest jumma, settled prior to 1st May, 1846.

3. Lands held on special grants shall be held subject to the terms of the grants.

4. Malgoozar desirous of relinquishing his lease, may do so on giving one year's notice before the expiration of the term of settlement.

5. Malgoozar not giving such notice, shall be bound by existing jumma until settlement be revised, or made in perpetuity, &c.

6. Government not to be barred demanding revenue from resumed rent free land, alluvial Towfeer, &c.

An Act for determining the duration of the existing Settlement of the North Western Provinces.

Whereas the Settlement of the several Districts of the North Western Provinces has been made for different periods; and whereas, from several causes, the duration of the Settlement, as stated in the engagements of the Malgoozars, does not always agree with that sanctioned by the Government; and whereas it is necessary to avoid the confusion and litigation which may hence arise, and also to provide for the continuance of the existing Settlements till a fresh revision shall take place:

I. It is therefore hereby enacted, that the Jumma of all villages included on 1st May, 1846, within the limits of the Districts in the said Provinces noted below, shall be considered fixed till the date inserted opposite to each District, so far as regards the claim of the Government to any increase upon the Jumma determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May, 1846.

Paneeput, July 1st, 1872, one thousand eight hundred and seventy-two.

Hissar, July 1st, 1860, one thousand eight hundred and sixty.

Delhi, July 1st, 1870, one thousand eight hundred and seventy.

Rohtuck, July 1st, 1870, one thousand eight hundred and seventy.

Goorgaon, July 1st, 1872, one thousand eight hundred and seventy-two.

Sheharunpore, July 1st, 1857, one thousand eight hundred and fifty-seven.

Mozuffernugger, July 1st, 1861, one thousand eight hundred and sixty-one.

Meerut, July 1st, 1865, one thousand eight hundred and sixty-five.

Boolundshehur, July 1st, 1859, one thousand eight hundred and fifty-nine.

Allyghur, July 1st, 1868, one thousand eight hundred and sixty-eight.

Bijnour, July 1st, 1866, one thousand eight hundred and sixty-six.

Moradabad, July 1st, 1872, one thousand eight hundred and seventy-two.

Budaon, July 1st, 1866, one thousand eight hundred and sixty-six.

Bareilly, July 1st, 1867, one thousand eight hundred and sixty-seven.

Shajehanpore, July 1st, 1868, one thousand eight hundred and sixty-eight.

Muttra, July 1st, 1871, one thousand eight hundred and seventy-one.

Agra, July 1st, 1872, one thousand eight hundred and seventy-two.

Furruckabad, July 1st, 1865, one thousand eight hundred and sixty-five.

Mynpoory, July 1st, 1870, one thousand eight hundred and seventy.

Etawah, July 1st, 1871, one thousand eight hundred and seventy-one.

Cawnpore, July 1st, 1870, one thousand eight hundred and seventy.

Futtehpore, July 1st, 1870, one thousand eight hundred and seventy.

Humeerpore, July 1st, 1872, one thousand eight hundred and seventy-two.

Banda, July 1st, 1874, one thousand eight hundred and seventy-four.

Allahabad, July 1st, 1869, one thousand eight hundred and sixty-nine.

Goruckpore, July 1st, 1859, one thousand eight hundred and fifty-nine.

Azimgurh, July 1st, 1867, one thousand eight hundred and sixty-seven.

II. And it is hereby enacted, that in the said Provinces, Mouzahs, standing transferred on the above date of May 1st, 1846, from Districts or Pergunnahs not permanently settled, to Districts or Pergunnah permanently settled, shall not be held liable to any increased demand on the part of the Government, but shall be held for ever on the highest Jumma determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May, 1846.

III. Provided always and it is hereby declared, that persons holding land on special grants or on leases for longer periods than those specified in Section I. shall continue to hold them according to the terms of their several grants or leases.

IV. And it is hereby enacted, that whenever a Malgoozar may be desirous to relinquish his lease on the expiration of the term of his engagement, he shall be at liberty to do so, provided that he give notice thereof in open Court and in writing to the Collector and to the Commissioner of the Division within one year before the 1st of July immediately preceding the expiration of the engagement.

V. And it is hereby enacted, that when such notice shall not have been given as aforesaid, the Malgoozar shall be held bound to pay the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to the 1st of May, 1846, for the period which may be applicable to his case according to Section I., and subsequently from year to year till the settlement be revised, or in perpetuity according to Section II.

VI. Provided however, and it is hereby declared, that nothing in this Act shall bar the right of the Government to demand revenue from any resumed rent-free land, alluvial Towfeer, or other land which was not assessed at the time of settlement.

MADRAS.—HARBOUR REGULATIONS.

Act No. IX. of 1846.

[*Passed on the 5th December*, 1846.

G. in C. may make regulations for management of Boats and Catamarans, &c., as respects the Madras roads, &c., subject to confirmation, &c., of G. G. of I. in C.

An Act for authorizing the Government of Fort St. George to provide Regulations for the several Ports and Places of anchorage within the Territories subject thereto.

Whereas Act IV. of 1842, entitled an Act for the better management of Boats and Catamarans, in the Madras Roads, and for the amendment of certain Harbour Regulations, has been found by experience to operate beneficially; and whereas it is expedient that Regulations similar in principle to the provisions contained in the said Act, but varying in detail if local circumstances require such variation, should be provided for all Ports and other places of anchorage within the Territories subject to the Government of the Presidency of Fort St. George:

I. It is therefore hereby enacted, that the Governor in Council of Fort St. George may from time to time make, in respect of each Port or other Place of anchorage within the Territories subject to the Government of the said Presidency, such Regulations for the management of Boats and Catamarans and such other matters as are provided for by the said Act IV. of 1842, in respect of the Madras roads, as to them shall seem expedient, being similar in principle to the provisions contained in the said Act, but varying in detail, if local circumstances require such variation. And all such Regulations shall be submited for confirmation or disallowance to the Governor General of India in Council, and every such Regulation shall have the force of Law after it shall have been confirmed by the Governor General of India in Council.

BENGAL.—DISTRESSES FOR RENT.

Act No. X. of 1846.

[*Passed on the 5th December*, 1846.

1. Modifies Sec. 9, Reg. 7, 1799; Sec. 9, Reg. 5, 1800; and Cl. 2, Sec. 17,

Reg. 28, 1803; and gives third persons whose goods have been distrained for rent arrears the right of contesting their liability before Collector, &c.

2. If claimant fails to institute a suit, according to his bond, the distrained may recover the value of the distress and costs, unless the distress is restored to distrainer.

3. No suit to set aside award of Collector to be brought after expiration of one year, &c.

An Act for regulating the proceedings in certain cases of distraint for Arrears of Rent.

Repealed by Act X. of 1859.

BOMBAY.—CANDEISH AND AHMEDNUGGUR.

Act No. XI. of 1846.

[*Passed on the* 12*th December*, 1846.

1 and 2. Repeals Appx. A. Bombay Reg. 29, 1827, declaring specified villages, &c., under general Regulations for the administration of Civil and Criminal Justice, and places the same, as respects administration of justice and collection of Revenue, under agent of G. of B. in Council.

3. G. in C. may prescribe rules for agents, &c., and determine in what cases his decision shall be final, &c.

4 and 5. In cases in which appeal from Agent is allowed, the S. Fondjaree Adawlut, and S. D. A. respectively, shall decide according to rules prescribed by G. in C.

Schedule. Villages to which this Act applies.

An Act for the exemption of certain Territory in the Province of Candeish and the Zillah Ahmednuggur from the operation of the General Regulations.

Whereas it has been deemed expedient to exempt from the jurisdiction of the Civil and Criminal Courts of the Bombay Presidency, certain portions of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah in the Province of Candeish and the Zillah Ahmednuggur:

I. It is hereby enacted, that from and after the First day of February, 1847, so much of Appendix A. of Regulation XXIX. of 1827, of the Bombay Code, as declares the Villages contained in the Schedule annexed to this Act, and the lands attached thereto (being parts of the Purgunnahs of Nundoorbar, Sultanpoor, and Kookurmoondah, in the Province of Candeish, and the

Zillah Ahmednuggur) subject to the Regulations established for the administration of Civil and Criminal Justice in the Bombay Presidency be repealed.

II. And it is hereby enacted, that from and after the said day the administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within the said portions of Territory shall vest in such Agent to the Governor of Bombay as shall be appointed by the Governor of Bombay in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor in Council, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Sudder Foujdaree Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Sudder Foujdaree Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Session Judge.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly prepared under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts.

SCHEDULE.

List of Villages belonging to the Seven Mowass Chieftains in the Province of Candeish comprehended in the Purgunnahs of Nundoorbar, Sooltanpoor, and Kookurmoondah.

Names of Chiefs.	Inhabited.	Uninhabited.
1. Gunput Sing Wulud Chundrusing Rana of Boodhawul.	Dekatee Hulalpoor Boodhawulee Khooshguvhan Ashte Khar Mendwur Jamleegoora Walheree Boodhawul Lobabhanee Somawul Boojrook Muthawul Shervee Ekdhur Relapera	Nuwagaom Somawul Khoord Bho Bhat Prutappoor Nuwulpoor Rajveera Kullumbee Veeheer Ghoghat Ramgur Pethapoor
2. Oomed Wulud Luxoomun Parvee of Katee.	Katee Bhugduree Wunwa Jamna Beer Samur Kujal Velkhooree Mogreebar Gorapeebar Nulwunbara Jagtee Arootee Kewurde Chapree Pandhreematee Pimpurkhoota Soorgus Beejulguvhan Balughat Vehugee Chunwaee Balkraee Gojeebara Oghanee Dunaee Soorpanvavee Suree Kunkal	Khutkoowa Bamhungaon Gullotté Khoord Akul Koowa Horapara Ankooshee Veeheer Guvhaneé Peotee Mojra Dhankbaree Kotlee Muhan Dhobreedeeta Tullow Cheekhlee Ghora Devee Koowa Kolwee Kolwechmal Nendwun Patpara Kulmunda Wurphullee Bhutaree Poke Khara

Names.	Inhabited	Uninhabited.
2 Oomed Wulud Luxoomun Parvee of Katee.—(*Continued.*)	Gudwanee Bookhaiee Polguvhan Oomtee Veree Pimpuipan Maeechamal Mogree Bumhunee Somkhaiee Ras Ghuttula Mogia Moolgee Bhurkoond Velee Oomreeguvhan Jamlee Bhagrapan Oomla Raool K.	Sendree Kookreepadur Kujanee Honakhamb Gulloté Boojrook Nuwagaon Gungapoor Kewaia Mohee Koeelee vecheer Sonachee pardee Kakurpaia Ghutwane Rajmohee Khutas Kharee Khaee Heeranee Dab Dunel Mooreera Waiee Kudwalee
3 Oomed Wulud Pacha Parvee of Nal.	Goolyamba	Nal Veerpoor Nuwagaon Sane Veerheer Jeeree Sawur Tunuk Molee
4 Bickna Wulud Raila Parvee of Singpoor.	Singpoor Borjrook Singpoor Khoord	Babhulpoor
5 Khatia Wulud Nana Wulwee Bheel of Guvhalle.	Guvhalee Bai Pechreedo Kakiiamba Hatwaryawur Mo[illegible]ee Nugur Motee Rajkooia Raisingpoora Oodun Bhereevoa	Pandhreepaia Doduv Lalpoor Koikher Khurkoond Bukhtai Pala Bhooyuvao Kakuikhore Rajnee Khoord Muhookhaiee Koowuivao Talamba Wurkoond Koomree Khurgia Moramba Boiceguvhan Bhometee Kalamba

Names.	Inhabited.	Uninhabited.
5 Khatia Wulud Nana Wulwee Bheel of Guvhallee.—*continued.*		Phoolworee Kelwun Bhoee Kuruj Dorkee Jamwa Gotpara Joojuv Ookhulsar Rajneebara Ambabar Borkee Dokhee Matha Koond Gugriamba Lalbhurdee Joonatana Moramba Kadlee Gondwun Ghora Mandara Khoord Mandara Boojrook Bhogwur Goojee Muhookharee Boojrook Wajpoor Talamba Jamna Shindguvhan Kaniamba Mograpana Kulewurkhoord Rampoora Koonda Joonwun Boogniamba Sheengwun Kaniamba Kondwapara Kanapara Kotara Pardee Keoreebar Bhooera Guvhan Koradeve[illegible] Jamkhoot Amleeguvhan Mathamba Matha Mogur Mata Tana Oodapoor
6 Koowur Wusawa Wulud Jeewa Wusawa Bheel of Cheekhlee.	Cheekhlee Jheereebera Pateepara Chatoopara Raneepoora Khapur Gungthé	Jhapa Amlee Khanora Kokteepara Khuyerpara Chanpoor Oomrance Wurgaon

Names.	Inhabited.	Uninhabited.
6. Koowur Wusawa Wulud Jeewa Wusawa Bheel of Cheekhlee.—*Continued.*	Lugree Jaolee Kolee wara Pulas wara Ooman	Chotee Ruralee Bramhungaom Kuvleeguvhan Bholwur Dhabra Mendee Kenwura Khekwur Dabreeamba Augut Rethee Chapteepara Rajneewar Oomanee Nuwagaon Nucen Sevree Nevree Oomjia
7. Raja Wulud Veslia Parvee.		Sojdan Nuwulpoora

ABSTRACT.

	Name of Chieftains.	Inhabited.	Uninhabited.	Total Villages.
1	Gunput Sing, Wulud Chandru Sing Rana, of Bhoodawal	16	10	26
2	Oomed Wulud Luxoomun Parvee of Katee	71	25	96
3	Oomen Wulud Pacha Parvee of Nal	1	6	7
4	Bhickna Wulud Raila Parvee of Singpoor	2	1	3
5	Khatia Wulud Nana Wulwee Bheel of Guvhallee,	11	70	81
6	Koowar Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee	12	25	37
7	Raja Wulud Veslia Parvee	0	2	2
	Total.....	113	139	252

N. W. PROVINCES.—BOUNDARY MARKS.

ACT No. I. OF 1847.

[*Passed on the* 30*th January*, 1847.

1. Collectors, &c., may fix boundaries of fields, or estates, and require marks to be set up by owners or occupiers.

2 and 3. Persons owning or occupying conterminous fields or estates may be served with notice to set up or repair boundary marks within a certain time and (3) upon their default Revenue officers may give directions for the same to be done.

4. Persons wilfully erasing, removing or injuring boundary marks to be liable to a fine.

5. In what manner disputed boundary marks shall be fixed by Revenue officers.

6. Act IV. of 1840 not to extend to disputes of the nature herein provided for.

An Act for the establishment and maintenance of Boundary Marks in the North Western Provinces of Bengal.

Whereas it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the Public Revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of Fields or Estates:

I. It is hereby enacted, that it shall be lawful within the Territories subject to the Government of the North Western Provinces of Bengal, for Collectors of Land Revenue, or persons exercising the powers of Collector, or such Revenue Officers as the Lieutenant Governor may entrust with that authority, to fix the boundaries of Fields or Estates, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials and in such number and manner as may appear to such Officers sufficient for distinguishing the limits of those Fields or Estates, whenever they may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes.

II. And it is hereby enacted, that notices shall be served on the persons owning or occupying the conterminous Fields or Estates, requiring them to form or repair the said boundary marks, within ten days from the date of the notice, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or Chopal, or other conspicuous place in the Village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the notice.

III. And it is hereby enacted, that in default of the owners or occupants of the Fields or Estates complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such boundary marks, the cost of which shall be equitably apportioned on the Fields or Estates which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such Fields or Estates, and shall be realized in the same manner as arrears of land revenue.

IV. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing or injuring such boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed or injured; one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark; whenever it may not be possible to detect the person who erased, removed or injured the boundary marks as aforesaid, the marks shall be re-erected or repaired at the charge of one or both parties, as the Collector or other Officer authorized to make the demarcation may consider just and equitable.

V. And it is hereby enacted, that disputed boundaries shall be fixed by Revenue Officers under the powers and in the manner prescribed in Regulations VII., 1822, and IX., of 1833, and shall be similarly open to appeal.

VI. And it is hereby enacted, that Magistrates are prohibited from taking cognizance, under Act IV. of 1840, of boundary disputes of the nature of which provision is here made; but whenever they have reason to apprehend any breach of the peace in consequence of a disputed boundary, they shall certify the circumstances to the Collector of Land Revenue, who shall be bound immediately to mark off the boundary in the mode here indicated, and to uphold the possession of the parties according to the demarcation.

BENGAL.—OATHS.

Act No. II. of 1847.

[*Passed on the* 13*th February*, 1847.

The words "H. M.'s Courts of Justice," in Act V. of 1840, not to extend to the Courts of the Justices of the Peace.

An Act to declare the meaning and extent of certain words in Act V. of 1840.

Whereas by Section IV. of Act V., 1840, it was amongst other things provided, that the said Act should not extend to any declaration or affirmation made in any of Her Majesty's Courts of Justice, and doubts have arisen whether the words "Her Majesty's Courts of Justice" mean and extend to the Courts of the Justices of the Peace:

It is hereby declared and enacted, that the words "Her Majesty's Courts of Justice," in the said Act, shall be deemed not to have meant nor extended to, and not to mean nor extend to the Courts of the Justices of the Peace.

STRAITS' SETTLEMENTS.—POLICE.

ACT NO. III. OF 1847.

[*Passed on the* 19*th February*, 1847,

1 and 2. Constables and subordinate Peace Officers, &c., not to be appointed by Court of Judicature; but (2) by the Governor, except the Superintendent of Police.

An Act to provide for the appointment of Constables and Peace Officers at the Settlements in the Straits.

Repealed by Act XIII., 1856.

MADRAS.—MILITARY MAGISTRATES.

ACT NO. IV. OF 1847.

[*Passed on the* 10*th April*, 1847.

G. in C. may appoint Military Officer, or Magistrate, or Assistant Magistrate, and confer on Assistant Magistrate, the powers of a Magistrate.

An Act to authorize the Governor in Council of Fort St. George to appoint any Military Officer a Magistrate.

It is hereby enacted, that from and after the First day of May, 1847, it shall be competent for the Governor in Council of Fort St. George to appoint any Military Officer in the service of the East India Company, a Magistrate or an Assistant Magistrate in one or more Zillahs, and to confer on any Assistant Magistrate by a special order, any of the powers of a Magistrate, any Law or Regulation to the contrary notwithstanding.

CRIMINAL LAW.—GAOLS.

ACT NO. V. OF 1847.

[*Passed on the* 10*th April*, 1847.

1. Officers in charge of Gaols may give effect to sentence passed by any Court established by G. G. in C. for the administration of criminal justice in Native States, though such States are not subject to the Presidency Government or to the General Regulations.

2. Warrant of officer exercising criminal jurisdiction in such States to be sufficient authority for Gaoler.

An Act to facilitate the execution of the sentences of Courts established by the authority of the Governor General in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company.

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company and without the local limits of the Jurisdiction of Her Majesty's Courts of Judicature, the several Officers in charge of Gaols shall be competent to give effect to any sentence that may be passed by any Court established or that may be established by the authority of the Governor General of India in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company, although such States or Territories are not subject to the Government of any of the Presidencies of Fort William in Bengal, Fort St. George, or Bombay, or are not subject to the operation of the General Regulations.

II. And it is hereby enacted, that a warrant under the Official Seal and Signature of the Officer or Officers exercising Criminal Jurisdiction within such States or Territories as aforesaid, shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond Sea, or for inflicting any other punishment prescribed therein.

III. And it is hereby enacted, that if any Officer in charge of a Gaol shall entertain any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons whose Official Seal and Signature may be affixed thereto to pass the sentence and issue such warrant, such Officer shall refer the matter to the Government to which he

is subject, by whose order on the case such Officer and all other public Officers shall be guided as to the future disposal of the prisoner, and that, pending any such reference, the prisoner shall be detained in custody in such manner and with such restrictions or mitigations as may be specified in the warrant.

IV. And it is hereby enacted, that the provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of prisoners confined in the said Gaols, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act as in the case of other prisoners confined therein.

Repealed by Act VIII., 1863, which contains new powers.

STRAITS' SETTLEMENTS.—COPPER COINAGE.

ACT No. VI. OF 1847.

[*Passed on the* 1*st May*, 1847.

1 and 2. Acts XXI., 1835, and XXII., 1844, not to apply to copper currency of Penang, Singapore, and Malacca, &c., (2) the copper coins of which shall be a cent, a half cent, and a quarter cent.

3, 4, 5 and 6. Cent, half, and quarter, to be legal tender for $\frac{1}{100}$th, $\frac{1}{200}$th, and $\frac{1}{400}$th parts of a dollar respectively, (5) no other copper coins to be legal tender; (6) the circulation of other copper coins is prohibited.

7. Any person circulating, &c., other copper coins, to be liable to a fine, not exceeding ten Rupees.

8. The G. G. in C. may direct the coining and issuing and prescribe the devices of the coins issued under this Act.

An Act for establishing a Copper Currency in the Settlements of Penang, Singapore and Malacca.

I. It is hereby enacted, that from and after the date of the passing of this Act, the provisions of Act XXI. of 1835, and XXII. of 1844, shall not be deemed to apply to Copper Currency of the Settlements of Penang, Singapore, and Malacca. [Partially repealed by Act XVII., 1855, s. 1.]

II. And it is hereby enacted, that from and after the 1st day of January, 1848, the following Copper Coins only shall be received at or issued from any Government Treasury within the said Settlements:—

1. A cent, weighing 144 grains troy.
2. A half-cent, weighing 72 grains.

3. A quarter-cent, weighing 36 grains.

Partially repealed by Act XVII., 1855, s. 1.

III. And it is hereby enacted, that from and after the date of the passing of this Act, the said cent shall be legal tender throughout the said Settlements for 1-100 of a Dollar, and the said half-cent for 1-200 of a Dollar, and the said quarter-cent for 1-400 of a Dollar. [As to legal tender, see Act XVII., 1855, ss. 2, 3.]

IV. Provided always, and it is hereby enacted, that none of the said Coins shall be legal tender except for fractions of a Dollar.

V. And it is hereby enacted, that after the 1st day of January, 1848, no other Copper Coins or Tokens than those specified in Section II. of this Act shall be legal tender of payment for the fractional parts of a Dollar within the said Settlements.

VI. And it is hereby enacted, that with the exception of the Copper Coins specified in Section II. of this Act, the circulation in the said Settlements after the said day of all Copper Coins or Tokens, not being the authorized legal Coinage of any British or Foreign Government, is prohibited.

VII. And it is hereby enacted, that after the said day any person who shall circulate, or attempt to circulate, in the said Settlements, any Copper Coins or Tokens other than those specified in Section II. of this Act, and not being the authorized legal Coinage of any British or Foreign Government, shall, on summary conviction before a Magistrate, be liable to a fine not exceeding Ten Rupees, and in default of payment any person so convicted shall be subject to imprisonment for a term not exceeding one month.

VIII. And it is hereby enacted, that it shall be competent to the Governor General in Council, in his executive capacity, to direct the coining and issuing, and to prescribe the devices and inscriptions of the Coins to be issued under the authority of this Act.

CALCUTTA.—DISTRESSES FOR SMALL RENTS.

Act No. VII. of 1847.

[*Passed on the 1st May*, 1847.

1. Commissioners of Court of Requests to appoint four or more bailiffs and appraisers, and to fix their remuneration, &c.

2. Commissioner upon affidavit made in prescribed form by party claiming to be entitled to arrears of rent not exceeding 100 Rupees, or by other specified persons, may issue a distress-warrant in specified form.

3. Officer, under such warrant, may seize goods and chattels on the premises to cover the rent and costs of distress, and shall thereupon make an inventory of the goods seized, and give notice in prescribed form, &c., and file in Court of Requests copies of the inventory and notice, and the party distrained upon may, within five days after distress, apply to Commissioner to discharge or suspend the warrant, and Commissioner may give reasonable time for payment of the rent.

4. In default of application for discharge or suspension of warrant, the goods, after five days, may be appraised and sold, after two days' notice, and proceeds shall be paid into Court, &c.

5 No costs to be demanded for such distress but those specified in Schedule C.

6 and 7. Distress for arrears not exceeding 100 Rupees to be made only under this Act, and any person other than the appointed officer levying distress to be guilty of a misdemeanour, but (7) Act not to apply to rent due to Government, &c.

Schedule A. Form of Warrant. B. Form of Inventory and Notice. C. Form of Fees. D. Form of Affidavit of rent in arrear. E. Notice to a sale.

An Act to regulate Distresses for Small Rents in Calcutta.

I. It is hereby enacted, that it shall be lawful for the Commissioners of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal to appoint four or more persons to be Bailiffs and Appraisers for the purposes of this Act, and to fix such remuneration for the services of the said Officers as shall appear to the said Commissioners expedient, and that such persons shall be duly sworn before the said Commissioners, and shall also give security, to be approved by the said Commissioners, faithfully to discharge the duties of their office, and that the said Commissioners shall have power to suspend or remove such persons so appointed; provided that it shall be lawful for the said Commissioners to appoint the Bailiffs who may be attached from time to time to the said Court to the office of Distraining Bailiffs and Appraisers, for the purposes of this Act, and to award to the said Officers such remuneration, in addition to their respective salaries drawn from the said Court, as to the said Commissioners shall appear expedient.

II. And it is hereby enacted, that it shall be lawful for any Commissioner of the said Court, upon the Affidavit in the Form contained in the Schedule to this Act, annexed (marked D), of

any party claiming to be entitled to arrears of rent of any House or Premises situate in Calcutta, not exceeding the amount of 100 Rupees, or in case of absence of such party from Calcutta, or in case of respectable females who do not appear in public, upon the Affidavit of the constituted Attorney of such party, stating the amount of such arrears, and for what time and at what rate the same became due, to issue a warrant under his hand and seal, in the form contained in the Schedule to this Act annexed (marked A.) addressed to any one of such Officers directing him to levy the amount of such rent, together with the costs of the said distress, in the manner therein mentioned; provided that it shall be lawful for any of the said Commissioners upon personal examination of the party applying for such warrant, to grant or withhold the same, at the discretion of the said Commissioner.

III. And it is hereby enacted, that by virtue of such warrant it shall be lawful for such Officer to seize the whole or such part of the Goods and Chattels upon the said Premises as shall be sufficient to cover the amount of the said rent, together with the costs of the said distress, and that he shall thereupon make an Inventory of the Goods and Chattels so seized, and shall give a notice in writing in the form in the Schedule to this Act annexed (marked B.) to the party from whom such rent is claimed to be due or to any other person upon behalf of such party upon the said Premises, that the said Goods and Chattels will be appraised and sold in manner therein mentioned. And that the said Officer shall file in the said Court true copies of the said Inventory and Notice; provided that it shall be lawful for the party from whom such rent is claimed to be due, at any time within five days from such seizure to apply to any Commissioner of the said Court to discharge or suspend such warrant, and it shall be lawful for such Commissioner to discharge or suspend such warrant accordingly, with or without costs; provided always, that it shall be lawful for any of the said Commissioners in his discretion to give reasonable time to such party to pay the said rent.

IV. And it is hereby enacted, that in default of such application, it shall be lawful for any two of such Officers, at the expiration of five days from such seizure, to appraise the Goods and Chattels so seized, and to give notice in writing in the form in the Schedule to this Act annexed (marked E.) of the sale thereof, at

such time and place as they shall direct, after an interval of not less than two days; and that they shall file in the said Court a true copy of the said Notice, and that the same shall be sold accordingly, and that the said Officers shall forthwith, after realization of the produce of the said sale, pay over the amount thereof, to the Chief Clerk of the said Court, and the amount of such produce shall be applied in satisfaction of the sum claimed to be due, together with the costs of the said distress, and that the surplus if any should be returned to the party from whom the said rent was claimed to be due; provided that it shall be lawful for such party to direct that such sale shall take place in any other manner, such party giving security for any extra costs attending such mode of sale.

V. And it is hereby enacted, that no costs shall be taken or demanded for such distress, except those contained in the Schedule to this Act annexed (marked C.) and that it shall be lawful for the said Commissioners to apply the sum so raised as cost towards the payment of the contingent charges and remuneration of the said Bailiffs and Appraisers as shall appear to the said Commissioners expedient, and that the Chief Clerk of the said Court shall keep a book in which all sums received as costs upon distresses made under the provisions of this Act, and all sums paid as remuneration to the said Bailiffs and Appraisers, and all contingent charges incurred in respect of such distresses, shall be duly entered, and that the Chief Clerk of the said Court shall also enter in the said book all sums realized by sale of the Goods and Chattels distrained and paid over to the Landlords, under the provisions of this Act.

VI. And it is hereby enacted, that after the passing of this Act, no distress shall be levied for arrears of rent amounting to Rupees 100 or less, except under the provisions of this Act, and that any person, except such Officer as appointed, levying or attempting to levy any such distress, shall be guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment for the same, in addition to any other liability he may have incurred by such trespass.

VII. And it is hereby enacted, that this Act shall not extend to any arrears of rent exceeding 100 Rupees, nor in respect of any House or Premises situate out of Calcutta, nor to any rent

due to Government, nor to any seizure except on the Premises in respect of which such rent is claimed.

A.

In the Court of Commissioners for the recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Form of Warrant.

I hereby direct you to distrain the Goods and Chattels on the Premises of A. B., situate in———in the town of Calcutta, for the sum of———Rs. being the amount of———months' rent due to C. D., for the same, on the———day of——— last, according to the provisions of the Act No. VII. of 1847. Dated 1st day of May.

(Signed and Sealed.)

To E. F., Sworn Bailiff and Appraiser.

B.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Form of Inventory and Notice.

(State particulars of Goods seized.)

Take Notice that I have this day seized the Goods and Chattels contained in the above Inventory for the sum of———Rs., being the amount of———months' rent due to C. D., at——— last, and that unless you pay the amount thereof, together with the Costs of this Distress, within five days from the date hereof, or obtain an order from one of the Commissioners of the Court of Requests to the contrary, the same will be appraised and sold, pursuant to the provisions of the Act No. VII. of 1847.

(Signed) E. F.,
Sworn Bailiff and Appraiser.

To A. B.

C.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Scale of Fees to be levied in Distraints for House Rent.

Sums sued for.	Affidavit & Warrant to Distrain		Order to Sell		Commission.		Total.		Remarks
	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	
1 and under 5 Rs. ...	0	4	0	8	0	8	1	4	
5 and under 10 Rs. ...	0	8	0	8	1	0	2	0	
10 and under 15 Rs. ...	0	8	0	8	1	8	2	8	
15 and under 20 Rs. ...	0	8	1	0	2	0	3	8	
20 and under 25 Rs. ...	0	12	1	0	2	8	4	4	
25 and under 30 Rs. ...	1	0	1	0	3	0	5	0	
30 and under 35 Rs. ...	1	0	1	0	3	8	5	8	
35 and under 40 Rs. ...	1	0	1	8	4	0	6	8	
40 and under 45 Rs. ...	1	4	2	0	4	8	7	12	
45 and under 50 Rs. .	1	8	2	0	5	0	8	8	
50 and under 60 Rs. ...	2	0	2	0	6	0	10	0	
60 and under 80 Rs. ...	2	8	2	8	6	8	11	8	
80 to 100 Rs. ...	3	0	3	0	7	0	13	0	

The above scale is intended to include all expenses, except in Suits where the Tenant disputes the Landlord's claim, and Witnesses have to be subpœnaed, in which case, each Subpœna for sums under Rs. 40 must be paid for 4 Annas each, and 12 Annas above that amount—and also where Peons were kept in charge of property distrained, 4 Annas per day must be paid per man.

D.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

A. B.——(Plaintiff,)

versus

C. D.——(Defendant.)

A. B., Inhabitant of——————, in the Town of Calcutta,——————maketh oath and saith, that C. D.——————who is also an Inhabitant of the Town of Calcutta, is justly indebted to——————in the sum of Company's Rupees——————, for arrears of rent of the House and Premises No.——situated at——————in the Town of Calcutta, due for——————month, to wit from

————to————————, at the rate of Co.'s Rs.————
————per mensem. Sworn before me, the————————
day of ———— 184——.

Commissioner.

E.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Take Notice that we have appraised the Goods and Chattels seized on the————————————, under the provisions of the Act No. VII. of 1847, of which a Notice and Inventory had been duly served upon you under date the————————————, and that the said Goods and Chattels will be sold on the————————at————————pursuant to the provisions of the said Act.

(Signed) E. F.,
G. H.,
Sworn Bailiffs and Appraisers.

To A. B.

Powers of this Act extended to rents not exceeding 500 Rupees, by Act IX., 1850, ss. 89 and 90, to Small Cause Courts.

EMIGRATION FROM MADRAS.

Act No. VIII. of 1847.

[*Passed on the 8th May*, 1847.

1. Makes Emigration to Mauritius under Act XV. of 1842, lawful.

2. Madras Government may appoint a Protector of Emigrants; and no Emigrant to embark without a certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector to the effect required.

An Act for rendering lawful the Emigration of Labourers from the Port of Madras, in the Presidency of Fort St. George, to Mauritius.

Repealed by Act XIII, 1864.

BENGAL.—ASSESSMENT OF NEW LANDS.

Act. No. IX. of 1847.

[*Passed on the 8th May*, 1847.

1 Repeals regulations establishing tribunals, &c., for assessing new alluvial lands, &c., and all investigations respecting the same now pending to cease and

future measures for the assessment of such lands, &c., to be taken under this Act.

2. Act to extend only to parts of Orissa, subject to Bengal Government.

3. In districts of which a revenue survey is, or shall be made, the Bengal Government may, every ten years after approval of survey, direct a new survey to be made, in order to ascertain the changes which have taken place, and may direct new maps to be made

4. Declares on what dates the Government approval of specified surveys shall be deemed to have taken place—viz., survey of Chittagong and other specified districts on the days specified in Act, and approval of survey of other districts shall be deemed to have taken place on day specified in Government Gazette.

5 When on inspection of map it appears to Revenue authorities that land has been washed away from or lost to any estate paying revenue to Government, they shall make a deduction from the Sudder jumma of such estate in specified manner and proportion Proposed deductions to be reported to Sudder Board of Revenue, whose orders to be final.

6. When on inspection of map it appears to Revenue authorities that land has been added to such estate, they shall assess the increments with revenue, and report their proceedings to the Sudder Board of Revenue, whose orders to be final.

7. When on inspection of map it shall appear to the Local Revenue authorities that an island has been thrown up liable to be taken possession of by Government, they shall take possession of same, assess it with revenue, and report to Sudder Board of Revenue, whose orders to be final; but party aggrieved by the taking possession may contest the right by regular suit in Civil Court.

8. Suits for the assessment, &c., of alluvial lands, &c., pending in appeal before, or open to appeal to the Special Commissioners, not to be affected by this Act.

9. No suit to be in any Court against Government or its officers, on account of any thing done in good faith in virtue of this Act.

An Act regarding the Assessment of Lands gained from the Sea or from Rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.

It is hereby enacted, that such parts of the Regulations of the Bengal Code as establish tribunals and prescribe rules of procedure for investigations regarding the liability to assessment of lands gained from the sea or from rivers, by alluvion or dereliction, or regarding the right of Government to the ownership thereof, shall from the date of the passing of this Act, cease to have effect within the Provinces of Bengal, Behar and Orissa; and that all such investigations pending before the Collectors

and Deputy Collectors in the said Provinces at the said date, shall forthwith be discontinued; and that no measures shall hereafter be taken for the assessment of such lands, or for the assertion of the right of Government to the ownership thereof, except under the provisions of this Act.

II. And it is hereby enacted, that the expression "Province of Orissa" in this Act, shall be taken to mean only so much of the Province of Orissa as is subject to the Government of Bengal.

III. And it is hereby enacted, that within the said Provinces, it shall be lawful for the Government of Bengal, in all districts or parts of districts of which a revenue survey may have been or may hereafter be completed and approved by Government, to direct from time to time, whenever ten years from the approval of any such survey shall have expired, a new survey of lands on the banks of rivers and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey.

IV. And it is hereby enacted, that the approval of the revenue surveys of the following districts and parts of districts shall be deemed to have taken place on the undermentioned days, viz:—

Of the district of Chittagong on the Sixth day of September, 1842.

Of the district of Behar on the Ninth day of November, 1844.

Of the district of Patna on the Twenty-second day of June, 1844.

Of the district of Shahabad on the Twenty-eighth day of November, 1846.

Of the district of Sarun on the Eighteenth day of February, 1847.

Of Pergunnah Furkyah, in the districts of Monghyr, on the Nineteenth day of September, 1839.

Of the Northern division of the Province of Cuttack on the Twenty-fourth day of October, 1842.

Of the Central division of the Province of Cuttack on the Twenty-second day of February, 1843.

Of the Southern division of the Province of Cuttack on the Nineteenth day of October, 1842.

Of the district of Midnapoor, except Hidgellee and Tumlook, on the Twelfth day of September, 1845.

Of Hidgellee and Tumlook, in the district of Midnapoor, on the Fifth day of October, 1842.

Of the district of Cachar on the Fifth day of February, 1844.

Of Jyntecah and the Pergunnahs of Chapghat, Echamuttee, Ittisamnuggur and Bhurrun, in the district of Sylhet, on the Fifth day of February, 1844.

Of the district of Gwalparah on the Twenty-fourth day of December, 1842.

Of the district of Luckimpore on the Tenth day of November, 1845.

Of the district of Seebpore on the Eighth day of May, 1843.

And that the approval of the Revenue surveys of districts or parts of districts which may be hereafter surveyed, shall be deemed to have taken place on such day as may be specified as the day of such approval in the Calcutta Government Gazette.

V. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that land has been washed away from or lost to any Estate paying revenue directly to Government, they shall, without loss of time, make a deduction from the Sudder Jumma of the said Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the Mofussil Jumma of the land lost bears to the Mofussil Jumma of the whole Estate; but if the Mofussil Jumma of the whole Estate or of the land lost cannot be ascertained to the satisfaction of the Local Revenue Authorities, then the said Local Revenue Authorities shall make a deduction from the Sudder Jumma of the Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the land lost bears to the whole Estate.

And this deduction, with the reasons thereof, shall be forthwith reported by the Local Revenue Authorities for the information and orders of the Sudder Board of Revenue whose orders thereupon shall be final.

VI. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that land has been added to any Estate paying revenue directly to Government, they shall without delay assess the same

with a revenue payable to Government, according to the rules in force for assessing alluvial increments, and shall report their proceedings forthwith to the Sudder Board of Revenue, whose orders thereupon shall be final.

VII. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that an Island has been thrown up in a large and navigable river liable to be taken possession of by Government under Clause Third, Section 4, Regulation XI., 1825, of the Bengal Code, the said Local Revenue Authorities shall take immediate possession of the same for Government, and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forthwith for the approval of the Sudder Board of Revenue, whose orders thereupon, in regard to the assessment, shall be final. Provided, however, that any party aggrieved by the act of the revenue Authorities in taking possession of any Island as aforesaid shall be at liberty to contest the same by a regular suit in the Civil Court.

VIII. And it is hereby enacted, that nothing in this Act contained shall affect suits for the assessment or for establishing the right of Government to the ownership of alluvial lands now pending in appeal before the Special Commissioners, or such as having been decided by the Lower Resumption Courts are, at the date of the passing of this Act, open to appeal to the Court of the Special Commissioners, according to the laws heretofore in force, and that all such cases shall be dealt with as if this Act had not been passed.

IX. And it is hereby enacted, that except as regards the proprietary right to Islands, no suit or action in any Court of Justice shall lie against the Government, or any of its Officers, on account of any thing done in good faith in the exercise of the powers conferred by this Act.

Act XXXI. of 1858 is an Act to make further provision for the assessment of Land gained by Alluvion.

CRIMINAL LAW.—CONVICTS.

Act No. X. of 1847.

[*Passed on the* 19*th June*, 1847.

Offender sentenced to imprisonment for life, shall also be sentenced at same

time to transportation for life, unless there are special reasons for not transporting offender, &c.

An Act for amending Act XXX. of 1836.

Repealed by Act XVII., 1862.

BENGAL SECRETARIAT LIBRARY.

HONG KONG.—CONVICTS.

ACT No. XI. OF 1847.

[*Passed on the 7th August*, 1847.

G. G. in C. may authorize the G. and resident Councillors of Straits' Settlements to receive convicts from Hong Kong.

An Act to authorize the reception of Convicts transported from Her Majesty's Settlement of Hong Kong.

It is hereby enacted, that it shall be lawful for the Governor General of India in Council in his executive capacity to authorize the Governor of Prince of Wales' Island, Singapore and Malacca to receive in the said Settlements, and the Resident Councillors of Prince of Wales' Island, Singapore and Malacca, to receive in each of the said Settlements respectively, Convicts who have been duly sentenced to transportation by any competent Court in Her Majesty's Settlement of Hong Kong, and that every such Convict, when so received at any such place, shall be liable to all such and the same Laws, Rules, and Regulations as are or shall be in force in any such place, with respect to Convicts transported from any place within the Territories subject to the Government of the East India Company.

BENGAL.—FINES ON MOONSIFFS AND SUDDER AMEENS.

ACT No. XII. OF 1847.

[*Passed on the 21st August*, 1847.

Repeals C. 9, Sec. 8, Reg. XXIII., 1814, of Bengal Code, which authorises Judges to fine Moonsiffs and Sudder Ameens.

An Act for repealing the Law which authorizes the imposition of fines on Moonsiffs and Sudder Ameens.

Whereas it was enacted by Clause 3, Section 9, Regulation

XXIII. of 1814, of the Bengal Code, that in cases of misconduct and neglect of duty which might not be of a nature to require the suspension or dismissal of a Moonsiff from his office, the Judge should be authorised to impose on the Moonsiff a fine not exceeding Twenty Rupees in amount, and that the order of the Judge in such case should be final:

And whereas, by Section 67 of the said Regulation, the provision above recited, was declared, amongst other things, to be applicable to the office of Sudder Ameen, as well as to that of Moonsiffs:

And whereas the provision above recited, is no longer adapted to Moonsiffs and Sudder Ameens, in the more elevated Judicial position which they now occupy:

It is therefore hereby enacted, that Clause 3, Section 9, Regulation XXIII. of 1814, and Section 67 of the said Regulation, so far as it declares the said Clause to be applicable to Sudder Ameens, are repealed.

EMIGRATION TO CEYLON.

Act No. XIII. of 1847.

[*Passed on the* 21*st August*, 1847.

1. Repeals Act XIV. of 1839, so far as it prohibits contracts for emigration of Coolies to Ceylon.

2. But said Act XIV. to remain in force in this respect until G. G. of C. deem sufficient protection has been provided by the G. in C. in Ceylon for such emigrants.

An Act for repealing Act XIV. of 1839, so far as it relates to the Emigration of Natives of India to the Island of Ceylon.

Repealed by Act XIII., 1864.

BENGAL.—CIVIL PROCEDURE.

Act No. XIV. of 1847.

[*Passed on the* 28*th August*, 1847.

Repeals Sec. 3, Reg. 4, 1793, and corresponding part of Sec. 3, Reg. 3, 1803, of Bengal Code, as respects the transcription of plaints.

An Act for repealing parts of Section III., Regulation IV.,

1793, and Section III., Regulation III., 1803, of the Bengal Code.

It is hereby enacted, that so much of Section III., Regulation IV., 1793, and of the corresponding part of Section III., Regulation III., 1803, of the Bengal Code, as requires the transcription of plaints, be repealed.

CALCUTTA.—SURVEY.

ACT No. XV. OF 1847.

[*Passed on the* 11*th September*, 1847.

1. C. of B. may appoint officer to survey Calcutta, which officer shall register the names of owners and occupiers, &c., and give public notification of survey, &c.

2. Officer may enter and direct his subordinates to enter upon land, &c. giving previous notice to owner or occupier.

3. Persons obstructing or molesting officer or his subordinates on survey to be deemed guilty of a misdemeanour and punishable with fine not exceeding 200 Rupees.

4. In cases in which public notification is ineffectual, surveying officer may cause a special notice to be served on owners and occupiers requiring attendance, &c., and production of documents, &c.

5 Surveying officer may summons witnesses; for non-attendance or refusal to answer lawful questions on oath or affirmation, may be attached in Supreme Court.

6. Witness to be examined on oath before surveying officer, who may administer oath, except where in Supreme Court solemn declaration would be substituted for an oath.

7. False testimony before surveying officer to be deemed perjury.

An Act for the Survey of Lands in the Town of Calcutta, within the Local limits of the Jurisdiction of Her Majesty's Supreme Court of Judicature.

Whereas it is expedient that a correct Survey should be made of all lands in the Town of Calcutta within the local limits of Her Majesty's Supreme Court of Judicature:

I. It is therefore hereby enacted, that it shall be lawful for the Governor of Bengal to appoint an Officer to survey the lands situate within the said local limits, and such Officer shall proceed to survey the same and to register the names of the owners and occupiers thereof, as far as they can be ascertained, and such Officer shall, by public notification, invite all persons owning or

occupying lands and tenements within the said local limits to appear before him in person, or by duly constituted attorney, at whatever place within the said limits his office may be held, and to bring with him all Pottahs, Ground Rent Bills, Bills of Sale, or other writings requisite for the ascertainment of the past and present boundaries of such lands.

II. And it is hereby enacted, that the said Officer shall, for the purposes of this Act, have full power and authority at all seasonable hours in the day time to enter, or to direct his Subordinate Officers to enter, into and upon any land or tenement within the said local limits, and in and upon the land on which any house, building, or other erection is built or building, or intended to be built, and into and upon any buildings or any part thereof without being liable to any action at law or suit in equity, or any other legal proceedings or molestation whatsoever, for or on account of such entry into, or of any thing done or to be done in any part thereof in pursuance of this Act. Provided, that such Officer or Subordinate Officers shall not enter upon any lands or tenements which may be occupied at the time unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so. Provided also, that if any actions shall be commenced in the Supreme Court against any such Officer or Subordinate Officer for any entry made or other thing done under the authority of, or in pursuance of this Act, it shall be lawful for him or them to plead the general issue, and to give the special matter in evidence.

III. And it is hereby enacted, that if any person at any time shall obstruct or molest the said Officer, or any of his subordinate Officers in the performance and execution of his or their duty, or any thing which they are required to do by or by virtue or in consequence of this Act, every such person so offending shall be guilty of a misdemeanor, and shall, on conviction before a Magistrate for the Town of Calcutta, forfeit and pay for every such offence any sum not exceeding 200 Rupees.

IV. And whereas such notification as is directed by Section I. of this Act, may not in all cases be effectual, it is therefore hereby enacted, that it shall be lawful for the Surveying Officer to cause any person owning or occupying lands or tenements within the said local limits, or his agents or representatives, to be

served with a special notice, under his official seal and signature, stating the purpose for which the attendance of such person is required, and any document essential for the purposes of this Act which such person is to bring with him, and the period within which such person is to attend, and if such person cannot be found, the notice shall be affixed to his usual place of residence, if that be within the said local limits, or, if not, then on the Premises to be surveyed. Provided always, that no person shall be required to produce any title deed which such person may object to produce.

V. And it is hereby enacted, that for any investigation connected with the purpose of this Act, it shall be lawful for the Surveying Officer, by writing under his hand, to summon any person whatsoever to attend as a witness, at a time and place to be specified in such summons, and that every witness so duly summoned to attend as aforesaid, who shall not attend, or who attending shall refuse to give evidence on oath or solemn affirmation, or declaration, or to answer all such questions as the Surveying Officer may legally demand, shall be liable to be attached in the Supreme Court upon complaint made in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

VI. And it is hereby enacted, that any witness examined before such Surveying Officer shall be examined upon oath, which such Surveying Officer is hereby authorised to administer. Provided always, that in all cases wherein a solemn declaration or affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an oath, the said Surveying Officer shall substitute such solemn declaration or affirmation for an oath.

VII. And it is hereby enacted, that any witness wilfully and knowingly giving false testimony on oath, or solemn declaration or affirmation before such Surveying Officer, shall be deemed guilty of wilful and corrupt perjury.

CALCUTTA.—MUNICIPAL ASSESSMENT.

ACT No. XVI. OF 1847.

[*Passed on the 23rd October*, 1847.

1. Repeals Act XXIV., 1840.

2. After 1st January, 1848, assessments not to be made by Justice but by a

Board of seven Commissioners, three to be appointed by Governor of Bengal, and four elected by rate-payers, or, in default of election, to be appointed by G. of B.

3. Salary of Commissioners to be fixed by G. of B., with concurrence of G. G. in C. Five Commissioners to be a quorum. One Commissioner may issue distress warrant.

4. Time, place, and manner of Election to be according to scheme to be agreed upon within one month after passing of Act by meeting of owners and occupiers of assessed houses, not being less than 100 in number, and to be approved by G. G. in C.

5. Owners and users of carriages, carts, and horses to be taxed for same according to rates mentioned in Schedule. Commissioners may compound with Livery Stable Keepers, &c.

6. Taxes to be levied quarterly. Persons owning or using carriages, &c., one month, to be liable for a quarter's tax.

7. Taxes and assessments of all kinds to be of such amount as, together with funds supplied by Government, shall appear to the Commissioners expedient for effecting the purposes of the Act; but assessment on property not to exceed five per cent. without sanction of G. of B.

8. Commissioners may appoint assessors and collectors, &c.

9. In assessment rate or distress warrant, names of owners, &c, need not be stated, but identification, by number of houses, &c, sufficient.

10. Goods of owners to be seizable any where, &c. If goods of tenants are seized, he may deduct amount from his next rent.

11. If goods liable to distress are concealed in any Zenana, the officer shall make special report to Commissioner, who shall follow same rules in respect thereof as Supreme Court in like case.

12, 13, and 14. The Commissioners shall make, amend, and revoke rules for regulating the time and manner of assessing, &c., taxes, and for compelling persons to give information, &c. (13.) Such rules to be approved by G. of B. and G. G. in C. (14.) Arrears and penalties to be levied by distress, &c.

15, 16. Prescribe the purposes to which, after paying salaries and expenses, the proceeds of the rates, &c., shall be applied. Schedule.

For constituting Commissioners for the Improvement of the Town of Calcutta, partly by appointment of the Government and partly by election of the Rate-payers.

So much of this Act as relates to the election and holding office of the Commissioners for the Improvement of the Town of Calcutta is repealed by Act XXXIX., 1850, and afterwards by Act X., 1852.

BENGAL AND MADRAS.—CIVIL PROCEDURE.

ACT No. XVII. OF 1847.

[*Passed on 6th November*, 1847.

Defaults of procedure in suits and appeals to be considered as cured when opposite party has taken a step passing them over.

An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of Suits.

Repealed by Act X., 1861, and superseded by the Code of Civil Procedure, Act VIII., 1859.

BENGAL.—REGISTRATION OF DEEDS.

ACT No. XVIII. OF 1847.

[*Passed on the 27th November*, 1847.

1. Deeds registered by persons who have had charge of the office without being duly appointed shall be deemed validly registered.

2. Deeds registered on other than Court days to be deemed validly registered.

An Act for curing the invalidity in the registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days.

Whereas instances have occurred of persons exercising the office of Registrar of Deeds who have not been duly appointed; and whereas in some cases registration of Deeds has been made on other than Court days, that is on days other than those on which the Zillah or City Court has been open for business, and doubts may therefore arise as to whether the registration of any Deed registered by such persons not duly appointed, or registered on other than a Court day, is valid in law:

I. It is therefore hereby enacted, that acts which may have been done in that capacity in any Zillah, subject to the Presidency of Bengal, by persons who have had charge of the office of Registrar of Deeds without being duly appointed to the said office, shall be and shall be taken to have always been as valid in law as such acts would have been if the said persons had been duly appointed to have charge of the said office.

II. And it is enacted, that all acts which may have been done

on other than Court days by the Registrar of Deeds, or by the person having charge of the Office without being duly appointed, in any Zillah subject to the Presidency of Bengal, shall be and shall be taken to have always been as valid in law as such acts would have been if they had been done on a Court day.

Repealed by Act XVI., 1864.

ARTICLES OF WAR FOR NATIVE ARMY.

Act No. XIX. of 1847.

[*Passed on the* 18*th December*, 1847.

Recites expediency of making certain amendments in the Articles of War, for government of Native Army.

1. Repeals the said Articles of War contained in Act XX., 1845.
2. Enacts the following Articles of War.

ARTICLES OF WAR.

Section I.—Of Enlisting and Discharges.

Article 1.—Every recruit to have the first four Articles of Section 2 read, &c, to him; after which oath or declaration shall be required of him.

Article 2.—No Commissioned Officer to be dismissed, except by Sentence of G. C. Martial, nor any Non-commissioned Officer or Soldier, except by Sentence of C. M. or order of Commander-in-Chief of Presidency. Pension to be forfeited on discharge, &c. Provided, Sentence of discharge by C. M. inferior to G. C. M. not to be carried into effect without concurrence of Commander-in-Chief, &c. But the G. G. in C., in his executive capacity, and G. in C., &c., empowered to order dismissal or discharge.

Article 3.—Non-commissioned Officers and Soldiers discharged, to be furnished with Discharge Certificate, expressing, &c.

Article 4.—Non-commissioned Officer or Soldier enlisting into H. M.'s regiment without a regular discharge to be liable to be treated as a Deserter.

Section II.—Crimes punishable with Death, Transportation, &c.

Article 5.—Officer or Soldier beginning, &c., exciting, &c., mutiny, or being present and not endeavouring to suppress it, or coming to the knowledge of, &c., and not giving information to Commanding Officer.

Article 6.—Striking superior Officer, or drawing, &c., weapon, or using, &c., any violence, &c., on or off duty, &c.

Article 7.—Disobeying lawful command of superior Officer.

Article 8.—Deserting from E. I. Co.'s service.

Article 9.—Being sentry, in time of war, &c., sleeping, &c., or leaving his post shamefully, &c.

Article 10.—Abandoning, &c., any garrison, &c., or using means to induce abandonment of garrison, &c.

Article 11.—Treacherously making known the watch-word, &c.

Article 12.—Holding correspondence with, or giving intelligence to enemy, &c.

Article 13.—Directly or indirectly assisting, &c., the enemy, or harbouring enemy, &c.

Article 14 —Treacherously releasing, &c., any enemy, &c., placed as a prisoner under his charge.

Article 15.—Misbehaving himself before the enemy, &c.

Article 16.—In presence of enemy, &c., casting away his arms, &c.

Article 17.—Leaving his Commanding Officer, post, colors, or party, in time of action, to go in search of plunder.

Article 18.—In time of war doing violence to any person bringing provisions, &c., forcing a safeguard, breaking into house, &c., for plunder, or plundering fields, &c.

Article 19.—In time of war, intentionally occasioning false alarms, by discharging fire arms, &c.

Article 20.—Without proper authority releasing State prisoners, &c.

Article 21.—Being a sentry over state prisoner, &c., quitting his post, &c.

PUNISHMENTS FOR ABOVE OFFENCES.—If an officer, to suffer death or transportation for life, or be dismissed the service, and if a Soldier, death or transportation for life, or imprisonment, &c., or corporal punishment, or dismissal, &c., as by a G. C. M. shall be awarded.

Crimes not punishable with death.

Article 22.—Officers or Soldiers spreading reports, &c., calculated to create unnecessary alarm, &c

Article 23.—In or previous to action, using words tending to create alarm, &c.

Article 24 —Being drunk when on or for duty, or on parade, &c.

Article 25.—Any soldier being grossly insubordinate, &c., in the ranks or in presence of Court Martial, shall, if an officer, be dismissed, &c., or suspended, &c., and if a soldier, be punished as C. M. shall award, but not with death, transportation, or imprisonment with hard labour.

Article 26.—Officer behaving in a manner unbecoming an officer, &c.

Article 27.—Officer or Soldier under arrest, leaving his confinement, &c.

Article 28.—Advising or persuading other officer or soldier to desert, &c., conniving at desertion, &c., receiving deserter, &c.

Article 29.—Obtaining, &c., for officer, &c., any pensions, &c., by false statement, &c.

Article 30.—Knowingly making false return, &c., of the state of the men under his command, or of arms, &c.

Article 31.—Malingering, feigning or intentionally producing disease, &c.

Article 32—At any post, or on march, &c., extorting money, &c., as fees, &c., or extracting from villagers, carriage, &c.

Article 33.—Wantonly and intentionally defiling places dedicated to religious worship, &c., or insulting religious prejudices, &c.

Article 34.—Without orders committing waste, &c., or destroying property.

Article 35.—Soldier off duty, contrary to orders, appearing in camp, &c., or on occasion of visiting towns, &c., carrying sword, &c.

Article 36.—Selling, pawning, &c., horse, &c.

PUNISHMENTS FOR ABOVE OFFENCES.—If an officer, dismissal from the service, or suspension from rank, &c.: if a soldier, such punishment as a General, District or Garrison C. M. is by these articles empowered to award.

Crimes punishable with Fine or loss of Pay, in addition to other Punishments.

Article 37.—Officer or soldier embezzling, &c., money, &c., or provisions, &c., or spoiling, &c., property, or conniving at above crimes, shall, on conviction before G. C. M., be dismissed the service, fined, &c., and liable to imprisonment, &c.

Article 38.—Soldier guilty of disgraceful conduct, in maiming himself, &c.; (39) in purloining, &c., Government stores; (40) in stealing money, &c, the property of a soldier, &c.; (41) in embezzling, &c., public money; (42) in committing paltry offence of a fraudulent nature, &c.; (43) or guilty of other disgraceful conduct being of a cruel, indecent, or unnatural kind.

PUNISHMENT.—Such as G., D., or Garrison C. M. may under these articles award for disgraceful conduct, and offender, if not dismissed, shall be put under stoppages, &c., and, if dismissed, shall forfeit arrears of pay, &c.

Crimes not punishable with Corporal punishment, or Imprisonment with Labor.

Article 44.—Officer, &c., striking, &c., any soldier.

Article 45.—Sentry in time of peace, sleeping on his post, or leaving it, &c.

Article 46.—Officer, &., knowingly enlisting a deserter, &c.

Article 47.—Directly or indirectly requiring, &c., a bribe, &c., as a consideration for procuring leave of absence, &c.

Article 48.—Not seeing reparation done to parties injured in manner specified, or not reporting case to Superior Officer.

Article 49.—Refusing to receive prisoner duly committed, &c.

Article 50.—Quitting guard or picquet in time of peace, &c.

Article 51.—Impeding Provost Marshal, &c., or refusing to assist him, &c.

Article 52—Being absent from his regiment, not rejoining same on proper information of its being ordered on service.

Article 53.—In time of peace, occasioning false alarms, &c., discharging fire arms, &c.

Article 54.—Omitting to repair to parade at fixed time, &c.

Article 55.—Quitting his Troop or Company without leave, &c.

Article 56.—Absenting himself without leave, or overstaying his time, &c.

Article 57.—Being found two miles from camp contrary to orders, &c.

Article 58.—Contrary to orders, being absent from cantonments after tatoo, &c., or from camp, &c.

Article 59.—Selling, losing, wasting, &c., ammunition, &c.

Article 60.—Crimes not capital, and disorders or neglects, to the prejudice of good order and military discipline, not specified in these articles, to be cognizable by C. M and punished, according to nature and degree of offence, &c., but not with corporal punishment or imprisonment with hard labor.

Crimes Incident to Courts Martial.

Article 61.—Person amenable to Articles of war duly summoned before Court Martial, and not attending, refusing to be sworn, &c., shall be punished by same or another C. M. in manner specified.

Article 62.—Persons not amenable to Articles of war, committing above offences, to be delivered over to Magistrate, &c.

Article 63.—Person using menacing or disrespectful words, &c., in presence of a C. M. then sitting, &c., shall be punished according to condition of offender, &c.

Article 64.—Officer or soldier guilty of wilfully giving false evidence, &c., before G. or other C. M.; or of inducing other person to do so; to be dismissed, &c., the Service, &c.

Crimes admitting of less serious notice.

Article 65.—Permits, on application to, and with consent of General or other Officer, &c., crimes requiring less serious notice, to be tried by District, Garrison or Reg. C. M., but not mutiny, &c.

Offences on the line of March, or on board vessels.

Article 66.—For offences committed on line of March, or on board ship, &c., the Officer in command may try Soldier by Regimental or Detachment C. M. and confirm and execute sentence, &c., but sentence not to exceed that which Reg. C. M. is competent to award, &c.

SECTION III.—Administration of Justice.

Article 67.—Officer or Soldier committing Crime deserving punishment by C. M. to be put under arrest, &c.

Article 68.—No person to be fined or punished for offence committed more than three years before, &c., except in case of specified impediments to earlier trial, and then trial to take place not more than two years after expiration of impediment.

Article 69.—Offender may be tried in any place where he may come after commission of offence.

Article 70.—Gives power to Commander-in-Chief at the different Presidencies to appoint G. or other Courts Martial: confirm, &c., Sentences, by warrant to authorise General Officers, &c., to appoint C. M. &c.

Article 71.—G. C. M. not to consist of less than thirteen commissioned officers, except when held out of the E. I. Co.'s Territories, and then of seven. Sentence not to be put in execution until reported to C.-in-C., &c., and confirmed, &c.

Powers of General Court Martial.

Article 72 —G. C. M. may sentence to death or transportation for crimes liable to those punishments. When punishment is not defined by these Articles, in case of Commissioned officer, G. C. M. may adjudge dismissal from Service, &c , and may sentence non-commissioned Officer to dismissal, &c., and soldier to suffer two hundred lashes, &c.

Confirmation and commutation of sentence by G. in C.

Article 73.—Sentence of death may be commuted by C.-in-C. into transportation for life, &c., and transportation, in case of Commissioned Officers, into dismissal from service, &c., and dismissal, in like case, into suspension from rank and pay, &c., and transportation in case of soldier, into imprisonment, &c., and corporal punishment and dismissal, &c., or, in case of non-commissioned Officer, reduction to the ranks, &c., and in like case may commute sentence of dismissal to reduction to the ranks &c.; like powers as to sentence to imprisonment with hard labor, &c,

Article 74.—District or Garrison C. M. to consist of not less than seven Commissioned Officers, except in specified circumstances., when it may consist of five, &c. Sentence of, requires Confirmation, Commander-in-Chief may remit, mitigate or commute sentences of such C. M.

Powers of District or Garrison Court Martial.

Article 75.—D. or G. C. M. may sentence non-commissioned officer to be reduced to the ranks, &c., or dismissal, &c., or placed lower, &c., and soldier to be dismissed, to suffer corporal punishment, &c., or imprisonment, &c., and in addition, to forfeit additional pay or pension, &c.

Article 76.—Reg. C. M. to consist of five, or, in specified circumstances, three Commissioned Officers: and be assembled by order of Commanding Officer of Regiment. Sentence to require confirmation of Commanding Officer. Sentences of corporal punishment, &c., not to be carried into effect without sanction, &c., of Officer commanding the division, &c., except in detached situations, &c., where an immediate example is necessary.

Powers of Regimental Court Martial.

Article 77.—Same as of District C. M., except as to amount of corporal punishment, and length of imprisonment and punishment, and extent of forfeitures, which it may award.

Article 78.—Officer commanding detachment of his own regiment may assemble Reg. detachment C. M., and Officer commanding detachment from different corps may assemble Detachment or Line C. M., &c. Sentence to require confirmation of Officer commanding the Regiment in certain cases.

Article 79.—Officer convening may instruct the C. M. when not to make corporal punishment or solitary confinement part of its sentence.

Execution of Sentence of Court Martial.

Article 80 —In sentence of death, Court shall specify the mode of execution in prescribed form of words.

Article 81.—Sudder Courts to carry into execution sentences of transportation, &c, and judge, &c., sentences of imprisonment.

Article 82 —Commander-in-Chief may order transportation beyond sea, of soldier under sentence of transportation for life, &c.

Article 83.—Commander-in-Chief may order persons under sentence of imprisonment, to be imprisoned in any public prison, &c.

Article 84.—Soldier previous to undergoing imprisonment with hard labour, to be struck off the strength of his corps, &c.

Offenders sentenced to dismissal for Disgraceful Conduct.

Article 85.—Such offenders, when subjected to corporal punishments, or imprisonment with hard labour, to be dismissed with ignominy.

Article 86.—Fine or stoppages adjudged by C M. may be satisfied out of arrears of pay, &c. No soldier to be continued under forfeiture longer than one year, nor at any one time to more than half his pay or allowances, &c.

Forms of Proceeding.

Article 87.—Trials to take place between the hours of 6 a.m. and 4 p.m except, &c.

Article 88.—At General Court Martial a Judge Advocate or European Officer of not less than ten years' service, to conduct the proceedings; and European Officer of not less than four years' standing at C. M. inferior to General, except, &c.

Article 89.—C. M. to have an interpreter, &c.

Article 90.—Senior Officer to be President. Native Officers how to rank. Trial to go on in case of death, &c., of President, if the requisite number of Officers present, &c.

Article 91.—No finding or sentence to be revised more than once; on revision, no evidence to be received. Same members to be convened for revision of sentence, &c.

Manner of Voting.

Article 92 —C. M., in giving votes, to begin with the youngest member; except when death is awarded, decision to be according to the majority; in case of equality, decision to be in favor of prisoner, except in question of finding. President to have a casting vote.

Article 93.—Sentence of death not to be given, unless two-thirds of the members present concur, &c.

Affirmations.

Article 94.—Affirmation to be administered to Interpreter; also to each member; also to Judge Advocate or Superintending Officer.

Article 95.—Witnesses to be examined on oath or affirmation, according to the forms of their religions, &c. Wilful false evidence to be punished as perjury.

Summoning Witnesses not amenable to these Articles.

Article 96.—Such witnesses to be summoned by magistrate on requisition of Judge Advocate, &c.

Powers and Duties of Provost Marshal.

Article 97.—For repression of irregularities, &c., in the field and on line of march, Provost Marshal to be appointed. Their duties, their powers, how limited.

Trials by European Court Martial.

Article 98—Continues to native troops the privilege (where it already exists) of claiming to be tried by C. M. composed of European Officers. G. G. of I. in C. may give this privilege to native troops in any Presidency.

SECTION IV.—Effects of the Dead.

Articles 99 and 100.—Officer or soldier, &c., dying, &c., Commanding Officer, &c, shall, if no heir or executor appears, secure his effects, &c. Effects to be publicly sold; and, after payment of debts, &c., residue to be accounted for to heir or other representative, &c., or remitted to General Treasury.

SECTION V.—Miscellaneous.

Article 101.—Effects of deserter to be publicly sold, and, after payment of debts, &c., residue to be remitted to General Treasury.

Article 102.—Powers under these articles relating to Commander-in-Chief shall belong to Commander-in-Chief at any Presidency, &c, and power relating to soldiers to extend to Non-Commissioned Officers.

Article 103.—Troops of one Presidency, serving in another Presidency, to be deemed to be under orders of Commander-in-Chief, in latter Presidency, &c., unless Governor-General otherwise orders, &c.

Article 104.—Officer commanding E. I Co.'s troops in places out of H. M.'s dominions, &c., shall, on complaint, &c., of offences, &c., summon a G. C. M. though not authorized by warrant. Such C. M. to consist of three Officers at least, and to have all powers of G. C. M. under these Articles. But sentence to be confirmed, &c.

Article 105.—Only G. C. M. shall have power to try Commissioned Officers, or to sentence to death or transportation.

Article 106.—No person acquitted or convicted before C. M. to be tried a second time for same offence, but previous conviction, &c., may be given in evidence, &c., for purpose of affixing punishment.

Article 107.—Non-Commissioned Officer not to be reduced to the ranks, but by sentence of a C. M., or by order of C.-in-C., &c.

Article 108.—Officer or soldier thinking himself wronged by his superior officer, is to complain to Commanding Officer of his Troop or Company, &c.

Article 109.—In case of light offences Commanding Officer may award extra drill, &c., restriction to barrack room, &c., confinement in quarter guard, &c.

Article 110.—Officer or soldier, taken prisoner, shall forfeit pay, &c., while a prisoner, but on returning to service, &c., shall be entitled to pay, if he can establish facts specified in Articles.

SECTION VI.—Mode of Dealing with Offences not Military.

Articles 111 and 112.—Offenders under this head to be delivered over to civil functionaries, unless in places where H. M. may have no civil functionaries. &c.

Articles 113, 114, and 115.—G. C. M. shall have cognizance of offences punishable with death, transportation and imprisonment for life, or a term of seven years. District or Garrison C. M. cognizance of offences, punishable with imprisonment for three years, &c., and Regimental Detachment and Line C. M. of offences punishable with six months' imprisonment, &c.

Punishment of Death.

Article 116.—Murder to be punished with death, by hanging, &c. Killing one person, with intent to have killed another, to be deemed murder. Also wilful injury, though not intended for any person in particular, but killing any person to be deemed murder.

Punishment of Transportation.

Article 117.—Breaking, &c., by day or night into any dwelling-house, &c., with intent to rob or steal; robbery or attempt to rob, stealing, &c.; in house or from the person, accompanied respectively with attempt to commit murder &c., shall be punished with transportation for life, &c.

Imprisonment for Fourteen Years.

Articles 118, 119, 120, 121, 122, and 123.—Last-mentioned offences, accompanied with wounding, &c., not endangering life; wounding with intent to murder, &c., another person; robbery by open violence, or dacoity, &c; breaking into dwelling-house, &c, between sunset and sunrise, with intent to rob, &c., or actually stealing from such dwelling-house, &c., not exceeding one hundred Rupees, purchasing, &c., stolen property, punishable with imprisonment, &c., not exceeding fourteen years.

Imprisonment not exceeding Seven Years.

Articles 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, and 135.—Culpable homicide and not amounting to wilful murder; premeditated affray, attended with homicide, &c, intentionally wounding, &c., accidentally wounding, &c., with intention of injuring some other person; breaking into dwelling-house,

tent, &c., between sunrise and sunset, with intent to steal, &c.; stealing, &c., any property exceeding three hundred Rupees in value, &c., purchasing stolen property, &c., exceeding same value, &c. Arson; unnatural crime; rape; enticing and taking away, &c., unmarried woman under the age of sixteen years; stealing child under eight years, punishable with imprisonment, &c., not exceeding seven years.

Imprisonment not exceeding Three Years.

Article 136—Commander-in-Chief, &c, may authorize District or Garrison C. M. to try soldiers for above offences, but with power to sentence only to imprisonment, &c, not exceeding three years.

Articles 137, 138, and 139.—Officer or soldier convicted by G. D. or Garrison C M. of stealing, &c, property exceeding fifty and not exceeding three hundred Rupees in value; of having purchased, &c., stolen property not exceeding three hundred Rupees in value; or of having stolen property in his possession, &c., punishable with imprisonment, &c., not exceeding three years.

Article 140.—Regimental, Detachment, or Line C. M. may sentence to imprisonment not exceeding six months, for offences for which no punishment exceeding imprisonment for three years with hard labour is provided.

Articles 141, 142.—Stealing property to value of fifty Rupees or less; committing assault, &c., punishable with imprisonment, &c., not exceeding one year, by sentence of G. D. or G. C. M, and not exceeding six calendar months, by sentence of Regimental, D., or L. C. M.

Articles 143 and 144.—Resisting process of Magistrate, &c., and any offence not provided for in Articles of War, punishable with imprisonment for not less than two years, one year, and six months, by sentence of General C. M., District, or Garrison, and R. D. or Line C. M. respectively.

Article 145.—Aiding and abetting, &c, offences punishable in same manner as the principal offences.

Article 146.—No sentence of death to be carried into effect until confirmed by the Commander-in-Chief, nor until such confirmation has been concurred in by Presidency Government, if trial has been had within limits of Presidency.

Article 147.—Commander-in-Chief may confirm sentence of death, or commute it, &c.

Article 148.—Sentence of transportation not to be carried into effect until confirmed. Commander-in-Chief may commute it, &c.

Article 149.—Any Officer having authority to confirm, may remit or mitigate sentence, &c.

Article 150.—No sentence of imprisonment with hard labour passed by R. D. or L. C. M., and no award of discharge, &c., shall be carried into effect without sanction of Officer Commanding Division, &c.

Article 151.—No person tried by C M. under Articles of War, shall be tried for same offence in any other Court, and after trial in Civil Court, C. M. not to punish otherwise than by cashiering or dismissal, &c.

Article 152.—Continues regulations relating to the powers of Commissariat Officers, &c.

SECTION VII.—Application of the Articles.

Article 153.—To what persons and classes these articles to apply, viz., all officers, soldiers, all drivers, farriers, &c., provided that persons of European descent, &c., professing the Christian religion, shall not be amenable to these Articles, &c., but shall be tried as persons who are subject to the Mutiny Act, &c.

Promulgation of Articles.

Articles 154.—The above Articles to be translated into the languages of the different Presidencies, specified parts to be read every six months, at the head of every regiment, &c.

An Act to make certain Amendments in the Articles of War for the government of the Native Officers and Soldiers in the Military Service of the East India Company.

Repealed by Act XXIX., 1861, which re-enacts Articles of War for the Native Army.

COPYRIGHT ACT.

ACT NO. XX. OF 1847.

[*Passed on the* 18*th December*, 1847.

Recites doubts whether Copyright can be enforced either in Territories of the E. I. C. into which the Common Law has been introduced, or in other parts, according to the principles of equity and good conscience; also that, for the encouragement of learning, it is expedient Copyright should be established: and recites doubts whether the Act of Parliament, 5 and 6 V., c. 45, has made provision for the enforcement of the right against persons not being British Subjects. Enacts—

1. That Copyright in every book published in India in the life time of the author, after the 28th August, 1833, shall endure for the natural life of the author and seven years after, or for 42 years if the seven years sooner expire; and any book published after said date and death of the author, shall endure for 42 years and shall be the property of the proprietor of the author's M.S.

2. Provides against the suppression of books of importance, by authorizing the G. G. in C. to grant a licence for the publication of any book after the death of the author, if the proprietor has refused to publish it.

3 Book of Registry and copyright to be kept in the office of the Sec. to the Government of India, and to be open to inspection and search on payment of eight annas, and copy of any entry to be given on payment of two rupees; and such copy to be evidence.

4. Wilfully making, &c., false entry in Registry, &c., or producing, &c, any paper in evidence falsely purporting to be copy of entry, to be a misdemeanour, and punishable with imprisonment, &c., not exceeding three years.

5. Proprietor of Copyright may have entry made in the Registry book of specified particulars on payment of two rupees; and registered proprietor may assign his interest, by making entry of such assignment, &c., in the name of assignee, &c., and such assignment, shall be of same force as if made by deed.

6. Person deeming himself aggrieved by entry in Registry may apply to Supreme Court or to Judge to order entry to be expunged; and Judge may make such order for expunging, varying, &c., as he may deem just, with or without costs, and Secretary of Government shall carry out such orders.

7. Any person who shall print, &c., for sale, &c., any book in which Copyright subsists, without consent in writing of proprietor, or who shall have in his possession for sale, &c., any such, shall be liable to special action on the case, or to suit in Zillah Court or other highest local Court.

8. In action in Supreme Court, brought under this Act, defendant to give notice in writing of the objection constituting his defence, and if the nature of his defence is a denial of the Plaintiff's Copyright, defendant shall specify in notice the name of person whom he alleges to be proprietor, name of book, &c., otherwise he shall not at the trial, &c., be allowed to prove plaintiff not the first proprietor, &c., and no other objection than is stated in the notice, &c., shall be given in evidence.

9. In action in Zillah or other local Court, such matters as above are required to be stated in notice, shall be stated in answer.

10. Any publisher, &c., of Encyclopædia, Magazine, Periodical, or work published in parts, or series of books, who shall have projected, &c., but have employed others to compose the same, on the terms that the Copyright shall belong to such publisher, &c., shall enjoy the same right and term of Copyright as if he were the actual author, except that in case of Essays, &c., first published in reviews, &c., the right of publishing same in separate form shall revert to author, after twenty-eight years, for the remainder of the term of Copyright. and during the term of twenty-eight years projector, &c., not to publish such essays, &c., in separate form. Proviso in favor of rights expressly reserved by contract.

11. Proprietor of Encyclopædia, Review, &c., entitled to all the benefits of registration, &c., by making specified entry in Registry Book.

12 and 13. All copies of registered books which have been unlawfully printed shall belong to registered proprietor of Copyright, who, after demand in writing, may sue for damages for detention thereof, or (13) within the limits of Supreme Court in action of detinue or trover, or in Zillah or other local Court. in the usual form.

14. No proprietor of Copyright to maintain any legal proceedings under this Act for infringement of any but registered Copyright.

15. In actions in Supreme Court for any thing done in pursuance of this Act, defendant may plead general issue, and give special matter in evidence: and defendant succeeding to have his full costs.

16. All actions, &c., informations, &c., for any offence committed against this Act, to be brought within 12 calendar months after offence committed.

17. Saves all rights subsisting at time of passing the Act, and all contracts, &c., and remedies relating thereto. Schedules—No. 1, Original entry of proprietorship of Copyright. No. 2, Form of entry of assignment of registered Copyright.

An Act for the encouragement of learning in the Territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called Copyright therein.

Whereas doubts may exist whether the right called Copyright can be enforced by the Common Law of England in those parts of the Territories subject to the Government of the East India Company into which the Common Law of England has been introduced:

And whereas doubts may exist whether the said right can be enforced by virtue of the principles of equity and good conscience in the other parts of the Territories subject to the Government of the East India Company:

And whereas, for the encouragement of learning, it is desirable that the existence of the said right should be placed beyond doubt, and that the said right should be made capable of easy enforcement in every part of the said Territories:

And whereas it is doubted whether the Act of Parliament, 5 and 6 Victoria, c. 45, entitled "An Act to amend the Law of Copyright," although such Act extends to every part of the British Dominions, has made appropriate and sufficient provisions for the enforcement in every part of the said Territories subject to the Government of the East India Company, of the said right by proprietors thereof: and whether the said Act of Parliament has made provision for the enforcement of the said right by or against any person not being subject to the jurisdiction of the Court established by Her Majesty's Charter:

I. It is therefore hereby enacted, that the Copyright in every book published in the life-time of its author within the said Territories, after the passing of the Act of Parliament, 3 and 4 Wm. 4, c. 85, entitled "An Act for effecting an arrangement with the East India Company, and for the better government of His Majesty's Indian Territories till the 30th day of April, 1854," shall endure for the natural life of such author and for the further term of seven years, commencing at the time of his death,

and shall be the property of such author and his assigns: Provided always, that if the said term of seven years shall expire before the end of forty-two years from the publication of such book, the Copyright shall in that case endure for such period of forty-two years; and that the Copyright in every book published after the death of its author, and after the passing of the Act of Parliament last aforesaid, shall endure for the term of forty-two years from the first publication thereof, and shall be the property of the Proprietor of the author's manuscript, from which such book shall be first published, and his assigns.

II. And whereas it is expedient to provide against the suppression of books of importance to the public: It is enacted, that it shall be lawful for the Governor General in Council, on complaint made to them that the proprietor of the Copyright in any book published after the passing of this Act within the said Territories, has, after the death of its author, refused to republish, or to allow the republication of the same, and that by reason of such refusal, such book may be withheld from the public, to grant a licence to such complainant to publish such book in such manner and subject to such conditions as they may think fit, and it shall be lawful for such complainant to publish such book according to such licence.

III. And it is hereby enacted, that a Book of Registry wherein may be registered, as hereinafter enacted, the proprietorship in the Copyright of books and assignments thereof, and licences affecting such Copyright, shall be kept in the Office of the Secretary to the Government of India for the Home Department, and shall at all convenient times be opened to the inspection of any person on payment of Eight Annas for every entry which shall be searched for or inspected in the said book, and that such Officer shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, to any person requiring the same, on payment to him of the sum of Two Rupees, and such copies so certified shall be received in evidence in all Courts and in all summary proceedings, and shall be *primâ facie* proof of the proprietorship or assignment of Copyright or licence as therein expressed, but subject to be rebutted by other evidence.

IV. And it is enacted, that if any person shall wilfully make,

or cause to be made, any false entry in the Registry Book aforesaid, or shall wilfully produce, or cause to be tendered in evidence, any paper falsely purporting to be a copy of any entry in the said Book, he shall be guilty of a misdemeanour, and shall be punished with imprisonment, with or without hard labour, for a term not exceeding three years. [Repealed by Act XVII., 1862.]

V. And it is enacted, that after the passing of this Act, it shall be lawful for the proprietor of Copyright in any book, published after the passing of the said Act of Parliament, 3 and 4 Wm. 4, c. 85, to make entry in the Registry Book of the title of such book, the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the Copyright in the said book, or of any portion of such Copyright in the form in that behalf given in the Schedule to this Act annexed, upon payment of the sum of Two Rupees to the said Secretary, and that it shall be lawful for every such registered proprietor to assign his interest, or any portion of his interest therein, by making entry in the said Book of Registry of such assignment, and of the name and place of abode of the Assignee thereof, in the form given in that behalf in the said Schedule, on payment of the like sum; and such assigment so entered shall be effectual in Law to all intents and purposes whatsoever, without being subject to any sum or duty, and shall be of the same force and effect as if such assignment had been made by Deed.

VI. And it is enacted, that if any person shall deem himself aggrieved by any entry made under colour of this Act in the said Book of Registry, it shall be lawful for such person to apply by motion to the Supreme Court of Calcutta, or, if the Court shall not be then sitting, to any Judge of such Court sitting in chambers, for an order that such entry may be expunged or varied, and that upon any such application to the said Court, or to a judge as aforesaid, such Court or Judge shall make such order for expunging, varying, or confirming such entry, either with or without costs, as to such Court or Judge shall seem just, and the said Secretary shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same, according to the requisitions of such order.

VII. And it is enacted, that if any person shall after the passing of this Act print, or cause to be printed, either for sale or exportation, any book in which there shall be subsisting Copyright, without the consent in writing of the proprietor thereof, or shall have in his possession for sale or hire any such book so unlawfully printed without such consent as aforesaid, such offender, if he shall have so offended within the local limits of the jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, shall be liable to a special action on the case in such Court, and if he shall have so offended in any other part of the Territories subject to the Government of the East Indian Company, to a suit in the Zillah Court within the jurisdiction of which he shall have so offended, which shall and may be prosecuted in the same manner in which any other action of damages may be brought and prosecuted there, and if he shall have so offended in any such last-mentioned part of the Territories subject to the Government of the East India Company in which there is no Zillah Court, to a suit in the highest local Court exercising original Civil jurisdiction in such part of the said Territories.

VIII. And it is hereby enacted, that after the passing of this Act in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter under the provisions of this Act against any person, for printing any such book for sale, hire, or exportation, or for selling, publishing, or exposing to sale or hire, or causing to be sold, published, or exposed to sale or hire, or for having in his possession for sale or hire, any such book so unlawfully printed, the defendant, on pleading thereto, shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action and if the nature of his defence be that the plaintiff in such action was not the author or first publisher of the book in which he shall by such action claim Copyright, or is not the proprietor of the Copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the Copyright therein, then the defendant shall specify in such notice the name of the person whom he alleges to have been the author or first publisher of such book, or the proprietor of the Copyright therein, together with the title of such book, and the time when and the place where such book was first published, otherwise the

defendant in such action shall not, at the trial or hearing of such action, be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such Copyright as aforesaid, or that he was not the proprietor of the Copyright therein, and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the Copyright therein than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time, and place of publication, with the title, time, and place specified in such notice.

IX. And it is hereby enacted, that after the passing of this Act in any such suit or action as last aforesaid brought in any Zillah Court or other local Court as aforesaid the defendant shall state in his answer all such matters as he means to rely on, and which by the last preceding Section the defendant in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter is required to give notice of in writing, otherwise such defendant shall be subject to the same consequences for any omission in his answer as a defendant is made subject to by the last preceding Section for any omission in his notice.

X. And it is hereby enacted, that when any publisher or other person shall, within the said Territories, before or at the time of the passing of the Act, but after the passing of the said Act of Parliament, 3 and 4 Wm. 4, c. 85, have projected, conducted, and carried on, or shall hereafter project, conduct, or carry on, or be the proprietor of any Encyclopædia, Review, Magazine, Periodical work, or work published in a series of Books or Parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any Volumes, Parts, Essays, Articles, or Portions thereof, for publication in, or as part of the same, and such Work, Volumes, Parts, Essays, Articles or Portions shall have been, or shall hereafter be, composed under such employment, on the terms that the Copyright therein shall belong to such Proprietor, Projector, Publisher or Conductor, and paid for by such Proprietor, Projector, Publisher, or Conductor, the

Copyright in every such Encyclopædia, Review, Magazine, Periodical work, or work published in a series of Books or Parts, and in every Volume, Part, Essay, Article and portion so composed and paid for, shall be the property of such Proprietor, Projector, Publisher, or Conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of Copyright therein as is given to the authors of Books by this Act. Except only that in the case of Essays, Articles, or Portions forming part of and first published in Reviews, Magazines, or other Periodical works of a like nature, after the term of twenty-eight years from the first publication thereof respectively, the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act. Provided always, that during the term of twenty-eight years the said Proprietor, Projector, Publisher, or Conductor shall not publish any such Essay, Article or Portion separately or singly without the consent previously obtained of the author thereof or his assigns: Provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid, to publish any such his composition in a separate form, who, by any contract, expressed or implied, may have reserved or may hereafter reserve to himself such right; but every author reserving, retaining, or having such right, shall be entitled to the Copyright in such composition when published in a separate form according to this Act, without prejudice to the right of such Proprietor, Projector, Publisher, or Conductor as aforesaid.

XI. And it is hereby enacted, that the Proprietor of the Copyright in any Encyclopædia, Review, Magazine, Periodical work, or other work published in a series of Books or Parts shall be entitled to all the benefits of the Registration in the office of the Secretary to the Government of India for the Home Department, under this Act, on entering in the said Book of Registry the title of such Encyclopædia, Review, Periodical work, or other work published in a series of Books or Parts, the time of the first publication of the first Volume, Number, or Part thereof, or of the first Volume, Number, or Part first published after the passing of this Act, in any such work which shall have been published heretofore, and after the passing of the said Act of Parliament, 3 and 4 William 4, c. 85, and the name and place of abode of the

Proprietor thereof, and of the Publisher thereof, when such Publisher shall not also be the Proprietor thereof.

XII. And it is enacted, that all copies of any Book wherein there shall be Copyright, and of which entry shall have been made in the said Registry Book, and which shall have been unlawfully printed without the consent of the Registered Proprietor of such Copyright in writing under his hand first obtained, shall be deemed to be the property of the Proprietor of such Copyright, and who shall be registered as such, and such Registered Proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same or damages for the detention thereof.

XIII. And it is enacted, that if the case be within the Jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, such Registered Proprietor shall be entitled to sue for and recover such copies, or damages for the detention thereof, in an action of Detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of Trover; and that if the case be within the Jurisdiction of any Zillah Court or other local Court as aforesaid, the Registered Proprietor shall be entitled to sue for and recover such copies, or damages for the detention or conversion thereof, in such form as is in use in the said Zillah or other local Courts for the recovery of specific personal property, or damages for the detention or conversion thereof.

XIV. And it is enacted, that no Proprietor of Copyright in any book first published after the passing of the said Act of Parliament 3 and 4 Wm. 4, c. 85, shall maintain, under the provisions of this Act, any action or suit at law or in equity, or any summary proceedings in respect of any infringement of such Copyright unless he shall, before commencing such action, suit, or proceeding, have caused an entry to be made in the Book of Registry at the Office of the said Secretary of such book, pursuant to this Act. Provided always, that the omission to make such entry shall not affect the Copyright in any book, nor the right to sue or proceed in respect of the infringement thereof, except the right to sue or proceed in respect of the infringement thereof, under the provisions of this Act.

XV. And it is enacted, that if any action or suit shall be com-

menced or brought in any of the Courts of Judicature established by Her Majesty's Charter against any person or persons whomsoever, for doing, or causing to be done, any thing in pursuance of this Act, the defendant or defendants in such action may plead the general issue, and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become nonsuited, or discontinue his action, then the defendant shall have and recover his full costs, or which he shall have the same remedy as a defendant in any case by Law hath in the said last-mentioned Courts.

XVI. And it is enacted, that all actions, suits, bills, indictments, informations, and other criminal proceedings for any offence which shall be committed against the Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of no effect.

XVII. Provided always and it is enacted, that nothing in this Act contained shall affect, alter, or vary any right subsisting at the time of passing this Act, except as herein expressly enacted; and all contracts, agreements, and obligations made and entered into before the passing of this Act, and all remedies relating thereto, shall remain in full force, any thing herein contained to the contrary notwithstanding.

SCHEDULE.

No. 1.

Original Entry of Proprietorship of Copyright of a Book.

Time of making the Entry.	Title of Book.	Name of the Publisher and Place of Publication.	Name & Place of abode of the Proprietor of the Copyright.	Date of First Publication.

No. 2.

Form of Entry of Assignment of Copyright in any Book previously registered.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of the Copyright.
	(Set out the Title of the Book and refer to the Page of the Registry Book in which the original Entry of the Copyright thereof is made.)		

BOMBAY.—SUPREME COURT.

Act No. XXI. of 1847.

[*Passed on the* 18*th December*, 1847.

1. One Judge of Supreme Court may sit apart for despatch of Criminal business, at same time as other Judges are sitting, and proceedings of such single Judge to be valid.

2. Business which Court has power to transact in term, Court may transact out of term, and proceedings out of term to be valid, and all Rules and Orders as to judgment, &c, in term, shall be applicable to proceedings out of term, so as to give full effect to this Act.

An Act for the improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Bombay.

I. It is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Bombay, when occasion shall so require, to sit apart from the other Judges or Judge, as the case may be, of the same Court, for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all Proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid, and effectual

in the Law, to all intents and purposes, as fully as if the said Proceedings were had before all the Judges of the said Court, sitting as a Court of Oyer and Terminer and Goal Delivery under the Charter of the said Court.

II. And it is hereby further enacted, that all business of what nature or kind soever which the said Supreme Court of Judicature at Bombay may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term, shall be as good, valid, and effectual in the Law, to all intents and purposes, as fully as if the said Proceedings were had in Term; and that all Rules and Orders of the said Court as to all Judgments, Executions, or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions, or other Proceedings given, issued, or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

CALCUTTA.—MUNICIPAL IMPROVEMENTS.

Act No. XXII. of 1847.

[*Passed on the* 18*th December*, 1847.

Recites Act XV. of 1847, and expediency empowering the Municipal Commissioners to hold real and personal property. Enacts—

1. That the Commissioners shall be trustees for Government and the inhabitants, and sue and be sued by the name of the Commissioners for the Improvement of the Town of Calcutta, have a common seal, &c., and have power to hold lands as such trustees.

2. May purchase lands with the consent of the Government of Bengal, and, if owner will not agree to sell, compensation shall be settled by the Sheriff's jury.

3. Commissioners may agree with owner of houses, &c., authorized to be taken, for the absolute purchase thereof, &c

4. All parties entitled to such lands, &c., may sell, &c., same to Commissioners, particularly the following parties: corporations, tenants, in tail or for life, married women, &c., and such power may be exercised by such parties, not only on behalf of themselves, &c., but also of person entitled in reversion, remainder, &c.

5. Purchase money to be paid for lands, &c., purchase from party under any disability, and compensation for damage to such lands, &c., shall in all cases be determined by a jury.

6. Person seized in fee, &c., for his own benefit may sell and convey, in consideration of an annual rent charge, but in other cases the consideration shall be in a gross sum.

7. Yearly rent reserved on lands purchased by Commissioners shall be charged on rates, and if in arrear 30 days, after demand in writing, may be recovered by action of debt in Supreme Court.

8. When Commissioners shall require to take any land, they shall give notice to the parties interested, &c., and by such notice demand the particulars of their estate, &c., and the notice shall state particulars of the lands required, &c.

9. Notices by Commissioners may be served personally on parties, or left at last place of abode, or with occupiers, or affixed on the lands.

10. Parties claiming compensation may have same settled by Arbitration under certain specified circumstances; but if award not made in three months the compensation shall be settled by a jury.

11. If Commissioners and party cannot agree on a single Arbitrator, each may appoint one. Appointment by Commissioners to be made in what manner, and by opposite party to be made in what manner. Appointment to be delivered to Arbitrators and deemed a submission, and may not be revoked by one party, nor by death: and if one party on requisition fail to appoint Arbitrator, after fourteen days, other party may appoint one to act for both, and award of such single Arbitrator to be final.

12. In case of death of Arbitrator before reference, party appointing him may appoint another, or in default of his doing so, after seven days, opposite party may appoint one.

13. Arbitrators, when more than one, to appoint umpire, and in case of his death, &c., another in his place.

14. If Arbitrators refuse to appoint umpire, or after request neglect to do so, any two of the Magistrate of Calcutta may appoint one.

15. In case of death of Arbitrator before award, the provisions relating to references to arbitration shall apply as if such Arbitrator had not been appointed.

16. When more than one Arbitrator, if one refuses or neglects to act, the other may proceed without him.

17. If Arbitrators fail to make their award within twenty-one days after final date from same, the matters referred shall be determined by umpire.

18. Arbitrators or umpire may call for production of documents from either party; may examine parties and witnesses and administer oath and affirmation.

19. Arbitrators before entering on reference to make a declaration before a Magistrate of Calcutta. Form of the declaration. Declaration to be annexed to award, and Arbitrator, &c., acting contrary thereto, guilty of misdemeanour.

20. Costs of arbitration to be settled by Arbitrator and borne by Commissioners, unless the award be of a less sum than they offered, in which case each party to bear his own costs, and costs of Arbitrators to be borne in equal proportions.

21. Arbitrators to deliver award in writing to Commissioners Commissioners to furnish copy to opposite party, and allow inspection by him, &c.

22. Submission may be made a rule of Court, and enforced by rule of Court, notwithstanding any of the parties may not be subject to the jurisdiction.

23. No award to be set aside for irregularity or formal error.

24. If either party refuse to settle their differences by Arbitration, the Commissioners may issue warrant signed by one of them, sealed by common seal, to Sheriff, requiring him to summon a jury, or to Coroner, if Sheriff, or to former Sheriff, if both be interested. Sheriff may appoint a Deputy or an Assessor.

25. Provisions relating to Sheriff to apply equally to Coroner. Sheriff to deliver the Juror's Book and special Juror's List to person to whom the Commissioners' warrant is directed.

26. On receipt of warrant, Sheriff to summon a jury of ten to meet at convenient or agreed place, in not less than fourteen, nor more than twenty-one days' or other agreed time.

27. Jury of five to be drawn by Sheriff, and if insufficient number appear number to be made up from the bye-standers, &c. Jurors may be challenged according to practice of Supreme Court.

28. Sheriff to preside. Parties claiming compensation to be deemed plaintiffs and have rights of plaintiffs. Sheriff may summon witnesses and order a view.

29 Sheriff making any default in his duty, to forfeit 500 rupees, &c, recoverable by the Commissioners in Supreme Court; and persons summoned for Jury not appearing, or making other specified default without reasonable excuse, to forfeit not exceeding 100 rupees. Penalties to be applied towards costs of proceedings in which they are exercised, &c.

30. Person summoned as witness not appearing, after tender of expenses, or refusing to be examined, to forfeit not exceeding 100 rupees, and false evidence to be subject to same rules respecting perjury as in Courts of Justice.

31. Commissioners to give parties interested ten days' notice of the time and places of inquiry. Notice to be served personally; or left at last place of abode; or published in two newspapers.

32. If party claiming compensation fail to appear, inquiry not to be proceeded with as respects him, but only as respects other parties but Surveyor to be appointed by two magistrates to settle compensation of absent party.

33. Jury to be sworn or to make solemn affirmation, before entering on inquiry

34. If the compensation under inquiry is as to value of some lands, &c, and damage to others, separate sums shall be assessed for the value and damage.

35. Sheriff to give judgment for the amount assessed by jury, and sign the verdict and judgment, and same shall be kept in records of Supreme Court, and deemed records, and be proved in same manner as records, and may be inspected and copies had on payment of specified fee, and keeper of records to sign and certify copies.

36. Costs of inquiry to be borne by Commissioners if jury assess a larger sum than they offered; but to be divided in specified manner when jury assess a less sum than was offered; and each party to bear his own costs.

37. Costs of enquiry, in case of differences, to be settled by taxing officer of Supreme Court. Such costs to include costs incurred in summoning, &c., jury, taking the enquiry, attendance of witnesses, employment of Counsel, and attorneys, &c.

38. If costs payable by Commissioners are not paid in seven days after demand, the same may be recovered by distress: and Magistrate to issue warrant. Costs payable to Commissioners may be deducted out of compensation money, or if in excess of that may be recovered by distress.

39. Either party may have a special jury of five. Sheriff to summon parties before him to strike special jury: jury to be nominated and struck, according to the rules of the Supreme Court; and in eight days after, parties to appear before Sheriff to reduce the jury.

40. Special jury to consist of five out of eight; each party to have lawful challenges; if five do not appear, number to be made up out of bye-standers, and trial to be attended with like incidents, &c., as above detailed in case of common juries.

41. Any other enquiry than that for which special jury has been struck may be tried by such jury, by consent of parties.

42, 43, 44, 45. Where purchase money, &c., is payable to any person absent from Bengal, and by reason thereof incapable of treating, or to any person who cannot be found, the amount shall be settled by Surveyor appointed by two magistrates. (43) Two magistrates, upon proof of circumstances, to appoint Surveyor for that purpose. (44) Surveyor so appointed to make specified declaration, and if he acts contrary thereto guilty of a misdemeanour: (45) and nomination and declaration to be annexed to valuation and preserved in Office of Commissioner, and produced on demand, &c

46. In estimating price of compensation, regard shall be had not only to the value of the property taken, but to any diminution of value in contiguous property of same person.

47, 48, 49, 50. Where valuation has been made by Surveyor, party interested having been absent or not found, such party may require the compensation to be submitted to arbitration: and (48) the question to be submitted in the case shall be, whether the sum awarded by Surveyor was sufficient: and (49) if Arbitrators award a further sum, the Commissioners shall pay same within specified time; (50) and in that case the costs of arbitration shall be borne by the Commissioners; but if Arbitrators determine that sum personally awarded was sufficient, the costs of the arbitration shall be in discretion of the Arbitrators.

51. If party is entitled to compensation in respect of lands, &c., taken for or injured by works of Commissioners, and for which satisfaction shall not have been made under this Act, party may have same settled, either by arbitration or jury, giving notice, with specified particulars, to Commissioners of his desire, unless Commissioners enter into agreement to pay amount demanded.

52. Purchase money or compensation when ascertained, if belonging to persons under disability, or who refuse to accept same, or fail to make out their title, or to convey, or who are absent, shall be invested in Company's Paper, &c., and deposited with Government Agent, &c., to credit of parties interested, and remain until the same be applied by Supreme Court, on petition of party interested, to specified purposes, &c.

53. Purchase money or compensation for estates less than in fee simple, to be laid out, &c., under order of Supreme Court, on petition of party interested, in such manner as to give such party the same benefit as he might have had from his estate.

54. Upon payment or deposit of purchase money, estate to be conveyed to Commissioners, or, in default thereof, Commissioners may execute a deed of sale, reciting facts, and estate shall thereupon vest in Commissioners, &c.

55, 56, 57. If owner of lands refuse to accept purchase money, or fail to make out a title, or refuse to convey, or be absent, Commissioners may place purchase money, &c., to credit of parties, subject to control of Supreme Court, and execute a deed of sale, &c., and thereupon all the estate shall vest in said Commissioners, (56) and Supreme Court may in a summary way order money to be invested, &c., and distributed to parties according to their several interests; (57) and the Commissioners shall not be necessary parties to such proceeding.

58. Commissioners may, with consent of Governor, sell, &c., any lands, &c., vested in them by virtue of this Act for purposes thereof, or of Act XVI., 1847, but purchaser not to be accountable for application of purchase money.

59. In every conveyance by the Commissioners, the word "grant" shall operate as an express covenant, &c., against their own acts or defaults, &c.

60. Commissioners defraying for expenses of carrying powers into execution, may submit to approval of Governor, borrow, &c., on credit of rates, taxes, and duties, and may mortgage and assign to lender the said rates, &c, as security, &c, and no taxes shall be repealed until the mortgage is paid off.

61 In order to discharge the principal the Commissioners may yearly deduct out of the rates one 30th part of the amount borrowed and set apart same as a Sinking Fund, and invest it in Company's paper, to be deposited in hands of Government Agent and to accumulate.

62, 63. Mortgage under this Act to be by deed, &c., under common seal, &c., signed by 3, &c., and may be according to Schedule; and where several mortgagees all to be paid in equal proportions, and no one to have preference or priority of payment; and (63) the expenses of mortgage to be defrayed by Commissioners.

64. A register to be kept of all mortgages by Clerk to Commissioners in specified manner.

65, 66. Mortgagee may transfer his interest by deed, &c., and transfer may be according to Schedule B., and (66) transfer deed to be produced within certain time to Clerk, and by him registered as in case of original mortgage. Clerk to be entitled to a fee, and, after registration, the transferree, &c., to be entitled to full benefit of mortgage, &c., and transferree may assign his interest, &c, and last transferree alone to be entitled to release or discharge the mortgage.

67. On payemnt of debt received, the mortgage to cease and determine, and the estate to vest in the mortgagee without transfer or release, &c.

68. To prevent undue preference in paying off mortgages, when Commissioners are entitled to pay off more than one, the order in which they shall be paid, to be decided by ballot. Notice of intention to pay off to be given by Commissioners.

69, 70. 71. Commissioners may fix a period for re-payment of money borrowed, and cause period to be inserted in deed, &c, and (70) if no time be fixed in deed for repayment, mortgagee may at any time, after expiration of twelve months, on giving six months' notice, demand payment. Commissioners may in like manner give notice to pay off mortgage. Notices for above purposes how to be given, and (71) if notice to pay is given by Commissioners, interest shall cease at expiration of notice, unless on demand the Commissioners fail to pay.

72, 73. Any mortgagee, &c., when entitled to payment may enforce it by applying for appointment of Receiver if his claim amounts to 10,000 Rupees, or if less (73) in conjunction with other mortgagees, provided sum is six months overdue, and payment has been demanded in writing.

74. Application for Receiver to be made to Supreme Court, or one or more of the Judges thereof, who may make order, &c.

SCHEDULE A. Form of Mortgage Deed.

SCHEDULE B. Form of Transfer of Mortgage.

To enable the Commissioners who may be appointed under Act XVI. of 1847 to purchase and hold real or personal property for the Improvement of the Town of Calcutta.

Whereas by Act XVI. of 1847, entitled "an Act for constituting Commissioners for the Improvement of the Town of Calcutta partly by appointment of the Government and partly by election of the Ratepayers," provision was made for the appointment and election of such Commissioners, or, in default of election, for the appointment of the whole of such Commissioners:

And whereas it is expedient, that provision should be made to enable such Commissioners to purchase and hold real or personal property for the purposes aforesaid, in manner hereinafter mentioned:

And whereas it is probable that benevolent and public spirited

individuals, with the view of contributing to the Improvement and adornment of the said Town, may be desirous of settling real or personal property, by Deed or Will, upon such Commissioners:

I. It is therefore enacted, that the said Commissioners shall be Trustees for and on behalf of the Government of Fort William in Bengal, and of the inhabitants of Calcutta, and shall sue and be sued at Law and in Equity in Her Majesty's Supreme Court of Judicature at Fort William, by the name of the Commissioners for the improvement of the Town of Calcutta, and shall have a common seal, and shall have power to take, purchase and hold lands, tenements, hereditaments, goods, chattels and other property, as such Trustees for the purposes aforesaid.

II. And it is enacted, that whenever it shall appear to the said Commissioners, or a majority of them, that it is necessary they should purchase any houses, buildings or grounds for the purposes aforesaid, the said Commissioners shall represent the same to the Governor of Bengal, and if he shall consent thereto, but not otherwise, shall enter into treaties for the purchase of such houses, buildings or grounds with the owners thereof, and in case they shall not be able to come to agreement with such owners, or the amount of compensation shall not be settled by arbitration as hereinafter provided, then the said Commissioners shall apply to the Sheriff of Calcutta to summon a Jury, and the said Sheriff shall forthwith summon a Jury in manner hereinafter mentioned, to assess the price which the said Commissioners shall pay to the said owner or owners for the purchase of such houses, buildings and grounds with all appurtenances as aforesaid.

III. And whereas it is expedient to make provision for those cases in which the said Commissioners may be able to purchase lands, buildings, or tenements by agreement, it is enacted, that it shall and may be lawful for the said Commissioners to agree with the owners of any lands, buildings, or tenements by this Act authorised to be taken and which shall be required for the purposes of this Act, and with all parties having any estate or interest in such lands, buildings, or tenements, or by this Act or by any other authority or power enabled to sell and convey the same, for the absolute purchase of any such lands, buildings or tenements, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

IV. And it is enacted, that it shall and may be lawful for all parties being seized, possessed of, or entitled to any such lands, buildings, or tenements, or any estate or interest therein to sell and convey or release the same to the said Commissioners, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled as aforesaid, so to sell, convey, or release (that is to say) all corporations, tenants in tail, or for life, married women seized in their own right, or entitled to dower, guardians, committee of lunatics and idiots, trustees or feofees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any estate in dower, or to any lease for life or for lives, or for years, or any less interest, and the power so to sell and convey or release as aforesaid, may lawfully be exercised by all such parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy, after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committee on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics, and idiots, respectively could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such Trustees, Executors and Administrators on behalf of their cestui-que trusts whether infants, issue unborn, lunatics, femes covert, or other persons, and that to the same extent as such cestui-que trust respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability.

V. And it is enacted, that the purchase money, consideration or compensation to be paid or given for any lands, buildings or tenements to be purchased or taken from any part under any disability or incapacity, and not having any power to sell or convey such lands, except under the provisions of this Act, and the compensation to be paid for any permanent damage or injury to any

such lands, buildings or tenements, shall in all cases be determined by the verdict of a jury, to be summoned as hereinafter provided.

VI. And it is enacted, that it shall be lawful for any person seized in fee or entitled absolutely for his own benefit to any lands, buildings, or tenements authorized to be purchased for the purposes of this Act, to sell and convey such lands, buildings, or tenements, or any part thereof, unto the said Commissioners, in consideration of an annual rent-charge, payable by the said Commissioner, but except as aforesaid the consideration to be paid for the purchase of any such lands, buildings, or tenements, or for any damage done thereto, shall be in a gross sum.

VII. And it is enacted, that the yearly rent reserved by any conveyance of lands, buildings, or tenements purchased by the said Commissioners for the purposes of this Act shall be charged on the rates hereinafter authorized to be raised and levied, and shall be paid by the said Commissioners as such rents become payable, and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable may recover the same from the said Commissioners, with costs of suit, by action of debt in the said Supreme Court.

VIII. And it is enacted, that when the said Commissioners shall require to purchase or take any of the lands, buildings, or tenements which by this Act they are authorised to purchase or take, they shall give notice thereof to all the parties interested in such lands, or the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the said Commissioners, and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof, and every such notice shall state the particulars of the lands so required, and that the said Commissioners are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

IX. And it is enacted, that all notices required to be served by the said Commissioners upon the parties interested in or entitled to sell any such lands, buildings, or tenements, shall either be

served personally on such parties, or left at their last usual place of abode, if any such can, after diligent inquiry, be found, and in case any such parties shall be absent from the said Town, or cannot be found, after diligent inquiry, such notices shall be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

LVIII. And it is enacted, that the said Commissioners may, with the consent of the said Governor, sell and dispose of any lands or tenements vested in them by virtue of this Act, or any part thereof, either together or in parcels, as they may find most convenient and advantageous, and the money to arise and to be produced by such sale shall be applied to such of the purposes of this Act, or Act No. XVI. of 1847, as the said Commissioners shall think fit, and the purchaser of such lands or tenements shall not be answerable or accountable for any misapplication or non-application of such purchase-money; and for the completing and carrying any such sale into effect, the said Commissioners may make and execute a conveyance of the lands and tenements sold and disposed of as aforesaid unto the purchaser thereof, and such conveyance shall be under the common seal of the said Commissioners.

LIX. And it is enacted, that in every conveyance of lands to be made by the said Commissioners under this Act, the word "grant" shall operate as express covenants by the said Commissioners, for themselves and their successors, with the respective grantees therein named, and their Successors, Heirs, Executors, Administrators or Assigns, as the case may be, according to the quality and nature of such grants, and of the estate or interest therein expressed to be thereby conveyed as follows, except as far as the same shall be restrained or limited by express words contained in any such conveyance (that is to say): A covenant that, notwithstanding any act or default done by the said Commissioners, they were, at the time of the execution of such conveyance. under and by virtue of the provisions of this Act, possessed of the lands or premises granted thereby, for an indefeasible estate of inheritance in fee simple, free from all incumbrances, done or occasioned by them or otherwise for such estate or interest as therein expressed, to be thereby granted free from incumbrances done or occasioned by them.

LX. And in order to raise money for defraying the expenses incurred or to be incurred by the said Commissioners in carrying into effect the provisions of this Act, or of Act No. XVI. of 1847, it is enacted, that it shall be lawful for the said Commissioners, and they are hereby authorized, subject in each case to the approval of the Governor aforesaid, to be signified in writing, to borrow and take up at interest, on the credit of the rates, taxes, and duties authorized to be made, levied, and received by the said Commissioners, from any person who shall be willing to advance the same, the sum and sums of money necessary for defraying the costs, charges, and expenses incurred or to be incurred by the said Commissioners in carrying into effect, with the least possible delay, the provisions of this Act, or of Act No XVI. 1847, and for securing the repayment of such sum or sums of money, with such interest thereon, as shall be agreed upon between the said Commissioners and the person or persons lending or advancing the same, the said Commissioners may mortgage and assign over the said rates, taxes, tolls, and duties, or any part thereof, to the person or persons who shall advance such money, or to a Trustee or Trustees on his or their behalf, as security for the money so to be borrowed, together with interest upon the same, and no assessment, tax, toll, or duty over which any such mortgage shall have been granted, shall be repealed, in whole or in part, until such mortgage shall be paid, off unless by the consent in writing of such mortgagee.

LXI. And it is enacted, that in order to discharge the principal money of any such sum or sums of money as shall be borrowed on security of the assessments, taxes, and duties aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required, yearly and every year, to deduct, appropriate, and set apart, and apply out of the rates aforesaid, such a sum of money as shall be in proportion to one-thirtieth part of the money borrowed or secured, and which at that time shall remain due and secured as aforesaid, upon the said assessments, taxes, and duties, as and for a Sinking Fund, to be applied in paying off and discharging the principal moneys so borrowed or secured, and from time to time cause the amount of such Sinking Fund to be invested in the Securities of the East India Company called Company's Paper, and such Company's Paper to be deposited from time to time in the hands of the Government Agent, who is

hereby empowered and required to increase the same, by investing the interest payable thereon, as the same shall become due and payable, in the purchase of other Company's Paper, and so on, from time to time, so that the said Sinking Fund shall accumulate at compound interest until the same shall be of sufficient amount to pay off the said principal debts, or one of them, or some part of some one of them, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

LXII. And it is enacted, that every mortgage of assessments, taxes, and duties authorised to be made under the provisions of this Act, shall be by deed, in which the consideration shall be truly stated, that every such deed shall be under the common seal of the said Commissioners, and signed by three of them at the least at one of their annual, quarterly, or special meetings, and may be according to the form in the Schedule [A] to this Act annexed, or to the like effect, and the respective mortgagees shall be entitled, one with another, to their respective proportions of the assessments, taxes, tolls, and duties comprised in such mortgages, according to the respective sums which in such mortgages are mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced with interest without any preference one above another, by reason of priority of advance, or of the date of any such mortgage respectively.

LXIII. And it is enacted, that the expenses of every mortgage shall, from time to time, be defrayed by the said Commissioners out of the money raised by the same.

LXIV. And it is enacted, that a Register of all the said mortgages shall be kept by the Clerk of the said Commissioners, and within fourteen days after the date of any mortgage an entry or memorial, specifying the number and date of such mortgage, and the sum secured thereby, and the names of the parties thereto, with their proper additions, shall be made in the said Register, and the said Register may be perused at all reasonable times by any mortgagee, or by any person interested in any such mortgage, without fee or reward.

LXV. And it is enacted, that, from time to time, any party entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed, wherein the consideration shall be truly stated, and every

such transfer may be according to the form in the Schedule B. to this Act annexed, or to the like effect.

LXVI. And it is enacted, that within thirty days after the date of every such transfer, if executed within the Territories subject to the Government of the East India Company, or otherwise, within thirty days after the arrival thereof within the said Territories, it shall be produced to the said Clerk, and thereupon the said Clerk shall make an entry or memorial thereof in the Register aforesaid, in the same manner as in the case of an original mortgage, and for such entry the said Clerk may demand and receive a fee not exceeding Two Rupees, and after such entry every such transfer shall entitle the Transferree, Executors, Administrators, and Assigns, to the full benefit of the original mortgage, and the principal and interest secured thereby; and such transferree may, in like manner, assign or transfer the same again, and toties quoties; and it shall not be in the power of any person, except the person to whom the said mortgage shall have been last transferred, his Executors, or Administrators, or Assigns, to make void, release, or discharge the original mortgage, or the moneys due thereon, or secured thereby.

LXVII. And it is enacted, that from and after the payment, or satisfaction of all the principal and interest of moneys secured by any mortgage made under the power of this Act, all the estate, property, right, and interest by such mortgage vested in the Mortgagee, his Heirs, Executors, Administrators, or Assigns, shall, without any transfer, or release, or any other act or deed whatsoever, immediately cease and determine.

LXVIII. And in order that no undue preference may be given in paying off any mortgages, it is enacted, that whenever the said Commissioners shall be enabled to pay off one or more out of the number of the said mortgages, or a part of the money secured on any such mortgage, they shall decide the order in which such mortgages shall be paid off, by lot or ballot, and shall cause a notice, signed by their clerk, to be given to the person entitled to the money to be paid off, pursuant to such lot or ballot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at the office of the Clerk of the said Commissioners, on a day and at an hour to be specified, at the expiration of six months from the date of giving such notice.

LXIX. And it is enacted that the said Commissioners may, if they think proper, fix a period for the repayment of the whole of the principal money borrowed on any one mortgage under the provisions of this Act, with the interest thereon, and in such case the said Commissioners shall cause such period to be inserted in the mortgage deed, and upon the expiration of such period the said principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal sum and interest, and if no other place of payment be inserted in such mortgage deed, such principal and interest shall be payable at the office of the Clerk of the said Commissioners.

LXX. And it is enacted, that if no time be fixed in the mortgage deed for the re-payment of the money so borrowed, the party entitled to receive such money, may, at the expiration or at any time after the expiration of twelve months from the date of such mortgage, demand payment of the principal sum thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose, and in the like case the said Commissioners may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print, or partly in writing and partly in print, and if given by a mortgagee or creditor shall be delivered to the Clerk aforesaid, or left at his office, and if given by the said Commissioners, shall be given either personally to such mortgagee or creditor, or left at his residence, or, if his present residence be not known, then at his last known place of abode, or if such mortgagee or creditor be unknown to the said Commissioners, or cannot be found after diligent inquiry, and his last place of abode be unknown, such notice shall be given by advertisement in the Calcutta Government Gazette, and once in each of three successive weeks in two of the Calcutta Newspapers.

LXXI. And it is enacted, that if the said Commissioners shall have given notice in terms of this Act of their intention to pay off any such mortgage, then, at the expiration of such notice, all further interest shall cease to be payable on such mortgage, unless demand of payment be made pursuant to such notice, and unless on such demand being duly made the said Commissioners shall fail to pay the principal and interest then due on such mortgage.

LXXII. And it is enacted, that it shall be lawful for any mortgagee, or other person entitled to receive payment of the money secured by any such mortgage, to enforce the payment of the principal money and interest due thereon by applying for the appointment of a Receiver in the manner hereinafter provided, but in order to authorize the appointment of such Receiver the amount of money owing to the mortgagee, or mortgagees, or creditor or creditors, by whom the application is made, shall not be less than Ten Thousand Rupees.

LXXIII. And it is enacted, that if within six months after the principal money or any interest owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee or other creditor as aforesaid (without prejudice to his right to sue for such principal money, together with all arrears of interest, in any competent Court or Courts of Law or Equity,) may, if his debt amount to the sum of Ten Thousand Rupees alone, or, if his debt does not amount to that sum, in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid, shall, together with his, amount to the said sum, require the appointment of a Receiver, by an application to be made as hereinafter provided.

LXXIV. And it is enacted, that every application for a Receiver shall be made to one or more Justices of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, and on any such application it shall be lawful for such Justice or Justices, by order in writing, after hearing the parties, to appoint a fit and proper person to receive the whole or a competent part of the rates and assessments, and to apply the same to the payment of such interest, or principal and interest, as the case may be, together with all costs, including the charges of receiving the rates and assessments, until the said principal and interest, together with all such costs and charges, be fully paid, and upon such appointment being made, all such rates and assessments as aforesaid shall be paid to and received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such Receiver shall have been appointed, and after such

interest and costs, or such principal, interest and costs have been so received, the power of such Receiver shall cease.

SCHEDULE A.

Form of Mortgage Deed.

Mortgage No. Rupees By virtue of the Acts of the Legislative Council, No. XVI. and No. XXII. of 1847, We, the Commissioners appointed and acting under and by authority of the said Acts, in consideration of the sum of Co.'s Rupees paid to us by A. B., of do hereby assign unto the said A. B., his Executors, Administrators, and Assigns, all the rates and sums of money arising in the Town of Calcutta by virtue of the said Acts, and all the estate, right, title, and interest of the said Commissioners in the same. To hold unto the said A. B., his Executors, Administrators, and Assigns, until the sum of
together with interest for the same at the rate of
for every hundred Rupees by the year, be satisfied (the principal sum to be repaid at the of years from the date hereof)—(*in case any certain period be agreed upon for that purpose.*)

Given under our common seal, this day of in the year of our Lord and signed by us at our meeting on the said day.

A. B., *Commissioner.*
C. D., „
E. F., „

SCHEDULE B.

Form of Transfer of Mortgage.

I, A. B., of in consideration of the sum of paid to me by G. H., of do hereby transfer to the said G. H., his Executors, Administrators, and Assigns, a certain Mortgage Number made by the Commissioners appointed and acting under and by authority of Acts No. XVI. and No. XXII. of 1847, of the Legislative Council of India, bearing date the day of for securing the sum of Company's Rupees and interest

(*or if such transfer be by endorsement* the within security), and all my right, estate, and interest in and to the money thereby secured, and in and to the rates and property thereby assigned.

In witness whereof, I have hereunto set my hand and seal, this day of in the year of our Lord,

A. B. L. S.

Repealed by Act XIV., 1856. The Sections retained here may be wanted for reference as affecting titles, the validity of acts of the Commissioners, and mortgages, conveyances, and loans.

TRANSPORTATION.

Act No. XXIII. of 1847.

[*Passed on the* 31*st December*, 1847.

Repeals so much of Act XXXI. of 1838 as directs term of Transportation to be for not less than ten years.

An Act for the amendment of Act No. XXXI. of 1838.

Superseded by the Indian Penal Code.

BENGAL.—FORGERY.

Act No. I. of 1848.

[*Passed on the* 22*nd January*, 1848.

1. Out of the local limits of Supreme Courts, Magistrates not to receive charges of Forgery, or of procuring Forgery, or giving effect to fabricated deeds, &c., offered in Civil and Criminal cases, except as provided in next section.

2. In cases pending before any Court (except of a Magistrate, &c.) in which there may appear to the Court sufficient grounds for investigating a charge of such offences, the Court shall send the accused to a Magistrate, with documents, and take recognizances for attendance of witnesses to appear before Magistrate. Proviso; Powers of Sessions Judges under Bengal Regulation 2, Section 6 of 1807 not to be affected.

3. Powers vested by Bengal Regulation 17, Section 14, Clause 2, in Zillah and City Judges of Committing for Forgery, vested also in Principal Sudder Ameens.

4. Sessions Judges may try persons committed by themselves as Civil Judges for above offences.

5. All Revenue Officers acting judicially to be deemed Civil Courts.

An Act to regulate the proceedings in certain Cases of Forgery.

Repealed by Act XVII., 1862.

CALCUTTA.—MUNICIPAL COMMISSIONERS.

Act No. II. of 1848.

[*Passed on the 26th February*, 1848.

Recites Provisions of Act XVI. of 1847. Enacts—

1. Commissioners may, subject to confirmation, &c., of G. of B, appoint Surveyor, Clerk, and other necessary Officers, at salaries to be sanctioned by G. of B.

2. In and for the constructon of aqueducts to bring pure water to Calcutta, plan being approved by G. of B., Commissioners, Surveyor, &c., may exercise same powers out of as within Calcutta: and Magistrates out of Calcutta are to aid the Commissioners.

3. Empowers the Commissioners to construct works by contract: and gives contractors the same powers as the Commissioners for the execution of works.

4. Commissioners to make compensation for drainage in execution of their powers, and amount, if not settled by agreement, to be settled by arbitration, or Jury, as directed in Act XXII. of 1847.

5. Any person obstructing or molesting the Commissioner's Clerk, &c., or contractor in the performance of official duty, may be fined Rupees 50 by Magistrate.

6. Empowers every Commissioner and the Surveyor, &c., to enter upon lands, &c., first requiring consent of and giving notice to the owner or occupier.

7. Vests the management and control, and the property of the streets, &c., in the Commissioners as Trustees.

8, 9. Empowers the Commissioners, with the consent of the G. of B. to pave and water the streets, &c., and (9) directs them to keep the streets, &c., in repair, and makes them liable to be indicted for non-repair.

10. Displacing, taking up, &c., the pavements, flags, &c., of any of the ways, without order of Commissioners, &c., or causing any obstruction on streets, &c., offender liable to fine of Rupees 50.

11. Recites that the opening of streets is essential to the health, &c., of the inhabitants, and that the lanes and gullies should be made straight. Enacts—

that the Commissioners shall make plans for carrying recited objects into effect, together with estimates of expense of works, &c., and transmit the same to the G. of B. for approval, &c.

12. The plan being approved by G., Commissioners shall proceed to the execution thereof without further reference to the G.

13. Recites the want of sewerage and drainage: Enacts that the Surveyor of the Commissioners shall make a survey of the Town and report the defects of the sewerage, &c., and what alterations and new main drains, &c., are necessary, and what reservoirs, &c.

14. Recites the importance of supplying the inhabitants with good drinking water, and water for cleansing and watering the streets, drains, &c. Enacts that the Surveyor to the Commissioners shall report upon the existing supplies, and as to sufficiency and quality thereof, with recommendations, &c., and report from what point, &c., wholesome water can be conveyed into the town, &c., and what reservoirs, &c, will be required, &c.

15. Vests the sewers, drains, canals aqueducts, &c., and all works, &c., connected therewith, provided for public use and not belonging to private persons, now and hereafter to be constructed, in the Commissioners, as Trustees, &c., and gives them the management and control thereof.

16. Directs the Commissioners to construct as many sewers, &c., and reservoirs, &c., as may be necessary for the effectual draining of the town.

17. Empowers the Commissioners to widen, deepen, embank, &c., clean, &c., the Sewers, &c., whether the same be private property or otherwise, and to stop and discontinue Sewers, &c.

18. Before beginning to dig, &c., the foundation of any house, or to rebuild, &c., or to make any drain, &c., 14 days' notice must be given to Clerk, &c., or same be liable to be pulled down, &c.

16. Private persons at their own expense, and in manner to be sanctioned by Surveyor, &c., may make branch drains at the public Sewer, &c., Penalty on offenders Rs. 50.

20. Empowers the Commissioners to contract with owners of houses for the construction of drains by their Surveyor, &c.

21. Empowers Commissioners to use necessary means to prevent the effluvia of the drains from exhaling, and to give notice to private persons to prevent effluvia of private drains from exhaling, &c.

22. Empowers the Commissioners to close streets, &c., when under repair.

23. Requires the Commissioners to close streets, &c, to be swept and cleansed, the soil, &c., to be carried away: the privies, &c., to be cleansed, and empowers them to purchase, hire, &c., the necessary carts, &c.

24. Vests the dust, dirt, &c., collected from the streets, &c., in the Commissioners as their property, and empowers them to sell the same, &c

25. Empowers the Commissioners for the purpose of watering the streets, &c., to sink wells, &c., lay pipes, &c., and to excavate tanks, &c.

26. Requires the Commissioners to make Bye-laws, for preventing nuisances, for regulating slaughter houses, for punishing sale of unwholesome meat, &c.,

for regulating the duties of Scavengers and management of privies, &c., for regulating filthy dwellings, for supplying private houses with water, for preventing persons bathing, &c., in tanks, &c., provided for domestic use, &c., for promoting cleanliness and decency, &c., and for fixing penalties on offenders: Limit of penalty, Rs. 50.

27. No Bye-law to be of force until approved by G. of B. and G. G in C., or until forty days after publication in two Calcutta newspapers. Bye-law proved by office copy.

28. Bye-laws to be printed and posted in Office of Clerk to Commissioners, and copies to be given on payment of four annas.

29. Provisions of this Act relating to offences, to apply to Bye-laws.

30, 31, 32. Commissioners may prosecute for nuisances, and proceed for penalties at expense of Municipal funds, and (31) may indict, &c., for injuries to property of Commissioners. Property to be described as of the Commissioners; and (32) Act not to render lawful any Act which would be a nuisance at Common Law: but proceedings under this Act to be a bar to other criminal proceedings for same offence.

33. Empowers the Commissioners, with consent of Government, to contract for supplying the town with water, and for water-works, &c., and also with like consent to lease out any water-works, &c.

34. When the Commissioners intend to take lands for the purpose of establishing water-works, &c., they shall prepare a map, on specified scale, describing the source of supply, site, and line or course of the aqueducts, &c., with book of reference, containing names of owners, &c., of lands, &c., and map and book to be open for inspection at office, and notice, &c., to be given to all parties interested of the intention of the Commissioners to take their lands.

35. After last-mentioned notice by Commissioners, the Surveyor to give notice that he will attend upon the lands intended to be taken, and point out the line of the intended aqueducts, &c., and parties interested may be heard by their counsel, &c., and may adduce evidence, and Commissioners shall report thereon, and G. of B. may authorize or disallow the taking of the lands, &c.

36, 37, 38. Empowers the Commissioners to construct water-works, &c., in the lands taken, and alter, &c., the same; but (37) they may not deviate beyond the limits marked in plan, nor into lands not mentioned in the book of reference; and (38) the Commissioners are not to acquire in lands taken for this purpose any greater interest than the right of laying pipes, &c.

39, 40, 41. Empowers the Commissioners to enter upon adjoining land to a distance of 100 yards of their works, not being "a garden," &c., for purpose of depositing gravel, &c, doing no unnecessary damage, and making compensation to owners or occupiers, or both, for temporary and permanent injury; such compensation to be ascertained in manner provided in Act No. XXII., 1847, and (40) Commissioners to give 14 days' notice of their intention to use such adjoining lands, &c., and (41) the Commissioners, if required, shall agree to pay a rent, amount whereof, in case of difference, to be settled under said Act XXII.

42. Requires Commissioners, in forming reservoir, &c., to provide roads, &c., watering places, &c., channels, &c., for irrigation, where existing ones are taken away, injured, &c., and differences between Commissioners and owners, &c., to be settled under said Act XXII.

43. Requires the Commissioners where pavement, &c., drain, &c., are broken up, to repair the same as soon as possible; to remove rubbish, and put up fences while work is being done.

44. Existing public cisterns, &c., used for gratuitous supply of water, shall be continued, &c., by Commissioners, and vested in them, and they may erect new cisterns, and supply public baths, &c., with water.

45. Commissioners neglecting to furnish a supply of water for domestic use, as settled by Surveyor, rated owners may deduct a certain amount from the rates.

46. In order to preserve the water, persons committing certain specified offences, to be fined 50 Rupees, viz:—(1) bathing in aqueducts, &c, or washing clothes, dogs, &c., therein; (2) throwing gravel, &c., into reservoir, &c., or washing wool, &c., therein; (3) causing, &c., the water of any sink, &c., or any offensive liquid to run, &c, into any of the springs, rivulets, &c., of the Commissioners.

47, 48. Requires Commissioners to provide a sufficient number of lamps, &c., for lighting the town, and the expense thereof shall be borne by the Commissioners; and (48) persons wantonly destroying, &c., any of the lamps, or extinguishing any lights, &c., or abstracting oil, &c., to forfeit not exceeding 50 Rupees.

49, 50. In case of irregularity, trespass, or other wrong committed in execution of this Act, tender of amends, if sufficient, shall bar action; or if no tender of amends be made, defendant may pay into Court amends, and (50) damages, costs or expenses directed by this Act to be paid, shall be ascertained by arbitration under Act XXII., 1847, &c.

51, 52, 53, 54. Requires the Commissioners to publish short particulars of the offences for which any penalty is imposed by Act or Bye-laws, &c., and amount of Penalty, and to have board hung up in office, and in conspicuous place of any particular neighbourhood to which same may apply, and no penalty recoverable until such particulars are published; and (52) any person pulling down, &c., board to forfeit 50 Rupees: and (53) every penalty and forfeiture may be recovered by summary process before Magistrate, and by distress; and (54) whenever any money is leviable by distress, the goods of party distrained may be sold in satisfaction.

55. Distress not unlawful, &c., on account of any defect or want of form in summons, &c, but persons aggrieved thereby may recover satisfaction by special action on the case.

56, 57, 58. Magistrate may, on conviction, award half the penalty to informer, and remainder to be paid to Commissioners; but (57) no penalty, &c., to be imposed unless complaint be made within six months after offence committed; and (58) the imposition of penalty for an offence not to bar civil remedy

for damages, where, in consequence of offence, the property of the Commissioners has been injured.

59. Empowers Magistrate to summon witnesses, require from them an oath or affirmation, and person refusing to appear, after tender of expenses, or refusing to be examined, to forfeit 50 Rupees.

60. Interpretation of words used in the Act, viz., words importing the singular number, may be construed as including plural; masculine gender as including the feminine; the word "person" to include "corporations; "oath," "affirmation," "solemn affirmation," any oath or affirmation by law established; "street," any square, &c., and "Commissioners," the Com. for the time being under Act XVI., 1847.

An Act to confer certain powers and privileges on the Commissioners for the Improvement of the Town of Calcutta, and to provide for the execution of certain public works by them.

Repealed by Act XII., 1852, s. 1, which is repealed by Act XIV., 1856.

THUGGEE.

ACT No. III. OF 1848.

[*Passed on the 26th February*, 1848.

Recites doubts as to meaning of the words "Thug," "Thuggee," and "Murder by Thuggee," and enacts definitions.

An Act for removing doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

Whereas doubts have arisen as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India:

It is hereby declared and enacted, that the word "Thug," when used in any Act heretofore passed by the Council of India, shall be taken to have meant and to mean a person who is, or has at any time been, habitually associated with any other or others for the purpose of committing, by means intended by such person or known by such person to be likely to cause the death of any person, the offence of Child-stealing, or the offence of Robbery not amounting to Dacoity. And that the word "Thuggee," when used in such Acts, shall be taken to have meant and to mean the offence of committing or attempting any such Child-

stealing or Robbery by a Thug. And that the expression "Murder by Thuggee," when used in this Act, shall be taken to have meant and to mean Murder when employed as the means of committing such Child-stealing, or such Robbery by a Thug.

Repealed by Act XVII., 1862.

CORONER'S JURIES.

ACT No. IV. OF 1848.

[*Passed on the 26th February,* 1848.

1. On inquests in Calcutta, Madras, and Bombay, not more than 5 jurors to be necessary.

2. Person summoned as juror, and neglecting to attend, may be called 3 times in Court, and on non-appearance, &c., and proof of service of summons, &c., Coroner may impose fine, not exceeding Rs. 50, and make out Certificate thereof in prescribed form, and transmit same to Magistrate, who shall enforce same.

3. For preventing Inquisitions from being quashed for want of form:

Enacts—No Inquisition to be quashed, &c., for want of averments of matter unnecessary to be proved, nor for omission of words "force and arms," &c., &c., nor for omitting to state time of offence committed, &c., &c.

4. Coroner, subject to approval of Governor, may appoint a Deputy, whose acts shall be deemed the acts of the Coroner, &c. Coroner may revoke &c., appointment of Deputy.

An Act for regulating Coroner's Juries.

It is hereby enacted, that from and after the First day of May, 1848, on all inquests to be held by the Coroners of Calcutta, Madras, or Bombay, no greater number than five Jurors shall be necessary, and that every finding of a Jury consisting of five Jurors shall be, to all intents and purposes, as good, valid, and effectual in Law, as if such finding had been the finding of twelve Jurors.

II. And it is hereby enacted, that when any person shall have been duly summoned to attend as a Juror by any of the said Coroners, and shall fail or neglect to attend at the time and place specified in such summons, it shall be lawful for any such Coroner to cause such person to be openly called in his Court three times to appear and serve as a Juror, and upon the non-appearance of

such person, and proof that such summons has been served upon him, or left at his usual place of abode, to impose such fine upon the person so making default, not exceeding Fifty Rupees, as to such Coroner shall seem fit, and such Coroner shall make out and sign a Certificate, containing the name and surname, the residence and trade, or calling of every person so making default, together with the amount of the fine which shall have been imposed, and the cause of such fine, and shall transmit such certificate to one of the Magistrates of the Presidency of which he is the Coroner, and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid, and thereupon such Magistrate shall cause such fine to be levied according to the provisions of Act No. II. of 1839, in the same manner as if such fine had been imposed by himself.

III. And whereas it is expedient to make provisions for supporting Coroner's Inquisitions and for preventing the same from being quashed on account of technical defects:

It is therefore hereby enacted, that no Inquisition found upon or by any inquest of any of the said Coroners, nor any Judgment recorded upon or by virtue of any such Inquisition, shall be quashed, stayed, or reversed for want of the averment therein, or any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the Statute," or for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath," instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed, when time is not of the essence of the offence, nor for stating the time imperfectly, nor because any person or persons mentioned in any such Inquisition is or are designated by a name of office or other descriptive appellation instead of his, her, or their proper name or names, nor by reason of the non-insertion of the names of the Jurors in the body of any such Inquisition, or of any difference in the spelling of the names of any of the Jurors in the body of any such Inquisition and the names subscribed thereto, nor because any Juror or Jurors shall have set his or their mark or marks to any such Inquisition instead of subscribing his or their name or names

thereto, nor because any such mark or marks is or are unattested, provided that the name or names of such Juror or Jurors is or are set forth, nor because any Juror or Jurors has or have signed his or their Christian name or names or other name or names which is not or are not a family name or names by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such Inquisition, unless the same shall be proved to have been made therein after the same was signed, nor (except only in case of murder or manslaughter) for or by reason of any such Inquisition not being duly sealed or written upon parchment, nor by reason of any such Inquisition having been taken before any Deputy instead of the Coroner himself, nor because the Coroner and Jury did not all view the body at one and the same instant, provided that they all viewed the body at the first sitting of the Inquest, and in all or any such cases of technical defect as are hereinbefore mentioned, it shall be lawful for any Judge of Her Majesty's Supreme Court at the Presidency at which such Inquest shall have been held, if he shall so think fit, upon the occasion of any such Inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

IV. And it is enacted, that it shall be lawful for each of the Coroners of Calcutta, Madras, and Bombay, from time to time to appoint, by writing under his hand and seal, a fit and proper person, such appointment being subject to the approval of the Governor of the Presidency of which he is the Coroner, to act for him as his Deputy in the holding of Inquests; and all Inquests taken and other acts performed by any such Deputy Coroner, under and by virtue of any such appointment, shall be deemed and taken to be the acts and deeds of the Coroner by whom such appointment was made. Provided that no such Deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause. Provided also that every such appointment may at any time be cancelled and revoked by the Coroner by whom the same was made.

Extended to Straits' Settlements by Act XXVI., 1848.

BENGAL.—MOCHALKAS OR PENAL RECOGNIZANCES.

ACT No. V. OF 1848.

[*Passed on the 4th March,* 1848.

1. Repeals Sec. 4 of R. 4, 1825.

2. Empowers Magistrates, &c., to take Mochalkas, in form annexed, from British Subjects and others for the maintenance of peace, &c.

3. Empowers Magistrate also to require sureties, &c.

4. Magistrate may require such security for one year without reference to superior authority, and in default of its being given, may commit party to Civil gaol.

5, 6. Magistrate may order such security for longer period than one year, but not exceeding 3 years, and if not given, the proceedings to be laid before Sessions Judge, who shall pass orders confirming or varying order of Magistrate, and directs the Magistrate to commit the party until he shall have given security; but (6) party not to be detained beyond period mentioned in recognizances.

7. Provisions in R. 8 of 1818, to apply to principles and securities under this Act.

8, 9. On proof of forfeiture of recognizance, Magistrate may enforce penalty and (9) in like manner enforce bond against securities.

10. All sentences and orders under this Act appealable.

11. All Mochalkas, &c., in Bengal taken by Criminal Courts, &c., may be enforced in manner prescribed in ss. 8 and 9.

Schedule. Form of Mochalka. Form of security.

An Act to amend the Law regarding the taking of Mochalkas or Penal Recognizances.

Repealed by Act XVII., 1862.

FOREIGN BOTTOMS.—DIFFERENTIAL DUTIES.

ACT No. VI. OF 1848.

[*Passed on the 4th March,* 1848.

1, 2. All goods imported and (2) all goods exported on Foreign Bottoms by sea, to be charged only same duties as same goods imported on British Bottoms.

3. No duties chargeable on goods exported from one port in Territories of E. I. C. to another.

4. Act not to apply to Salt and Opium.

An Act for equalizing the Duties on Goods imported and exported on Foreign and British Bottoms, and for abolishing duties

on goods carried from Port to Port in the Territories subject to the Government of the East India Company.

I. It is hereby enacted, that from and after the Twenty-fifth day of March, 1848, all Goods imported on Foreign Bottoms by Sea into any port of the Presidencies of Fort William in Bengal, Fort St. George, or Bombay, shall be charged only with the same rates of duty as such goods would now by law be charged with if such goods were imported into any of the said ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

II. And it is hereby enacted, that from and after the said day all Goods exported on Foreign Bottom by Sea, from any Port of the said Presidencies, shall be charged only with the same rates of duty as such goods would now by law be charged with if such goods were exported from any of the said Ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

III. Repealed by Act VI, 1863.

IV. Provided always, that nothing in this Act contained shall apply to the Articles of Salt or Opium.

CUSTOMS DUTIES.

Act No. VII. of 1848.

[*Passed on the 25th March*, 1848.

1 Provision of s 3, Act No. 6, 1848, not to apply to Goods exported from Territories of E. I C. to Straits of Malacca, Tepasserim Provinces, Arracan, nor to imports from these places to the said Territories.

2 No drawback to be allowed on re-export of Goods to which Sec 3 of Act 6, 1848, extends

An Act to except certain free ports from the operation of Section III., Act. No. VI. of 1848, and otherwise to amend that Act.

Repealed by Act VI., 1863.

BENGAL.—RYOTS.

Act No. VIII. of 1848.

[*Passed on the 25th March*, 1848.

Provides for service of notice on ryots not resident in the Zillah where the land is situate

To modify the provisions of Sections 9, 10, 11, and 13, of Regulation V., 1812, of the Bengal Code.

Repealed by Act X. of 1859.

STRAITS' SETTLEMENTS.—MUNICIPAL RATES.

ACT No. IX. OF 1848.

[*Passed on the 25th March,* 1848.

1. Repeals from 1st January, 1849, Act XII., 1839, and Act XII., 1840.

2. Authorizes, from 1st January, 1849, an assessment not exceeding 10 per cent. on the actual and estimated rents of houses, &c., within the Settlement, to be paid half-yearly in advance by tenant or occupier, excepting houses, &c., specified in Schedule.

3. Authorizes assessment not exceeding 5 per cent., and to be levied half-yearly or annually, on rent or value of the net produce derived from lands in the said dependencies used for agriculture; excepting quit rents paid to East India Company for lands held under said Company, and produce of land of less extent than 3 acres cultivated with paddy, and lands whose net produce shall be less than 3 Spanish dollars, &c., if sole assessable property of occupier.

4. Prescribes mode of ascertaining the value of net produce for purpose of assessing same.

5. To facilitate the collection, Collector may require owner, &c., of such lands to furnish him with statements of produce and outlay, verified by oath, and person refusing to make such oath, or to furnish statement, to pay a fine not exceeding 200 Spanish dollars, or be imprisoned.

6. Authorizes a tax to be levied half-yearly in advance on all carriages, &c., in use, to be paid by owner or person in charge thereof, at rates specified for different carriages, &c.

7. Empowers Chief Civil Authority of the Settlement to appoint a Collector and other Officers, &c.

8, 9. If assessment be not duly paid, Collector to certify non-payment to the Justice, who, if satisfied that due diligence has been used, shall issue his warrant to levy the same by seizure and sale of goods, &c., on premises; or (9) Collector may sue for arrears in any Court of Justice.

10, 11. Empowers Quarter Sessions to hear, &c., appeals by parties aggrieved or who may object to assessment, but must first pay the amount of the assessment; and (11) no appeal to be allowed unless made within three months from time of payment.

12. Directs that the moneys collected shall be called "The Municipal Fund," and be applied to maintenance of an efficient police, and watching, repairing, &c, the public roads, &c., repairing, &c, bridges, &c., lighting the streets, &c. Roads, &c, leading to Government Houses, &c., or to places of public worship, to be deemed public roads, &c.

13. Civil Authority of Settlement may appoint a Municipal Committee, to consist of five resident rate-payers, two of whom Officers of Government. The Municipal Committee to make order for performance of the objects of this Act.

14. Empowers Municipal Committee to make rules and regulations.

15. Requires the Collector in January, every year, to prepare a detailed statement of the Municipal Fund, exhibiting the sums collected and disbursed, under proper heads, and same to be published.

16, 17. Superintending Officer of Police to keep at such station a Register, in which owners, &c., of carriages, &c., let to hire, are to be required to be entered. Owner omitting to register such carriages, to be liable to a fine not exceeding 20 Spanish dollars. And all such carriages to have a numbered board, or in default owner to pay fine not exceeding 5 Spanish dollars.

18. All Quarter Session and Police fees, fines, &c., to be paid to Municipal Fund.

19. Assessment not to be impeached by reason of mistake in name of person assessed, or of thing chargeable, or amount, and no proceedings to be quashed for matter of form. Schedules A. and B., exemptions.

An Act to repeal Acts No. XII. of 1839, and No. XII. of 1840, and to raise funds for Police and Municipal purposes throughout the Settlement of Prince of Wales' Island, Singapore, and Malacca, and the dependencies and places subordinate or annexed thereto, by levying an Assessment upon the rents, produce, and income derived from Buildings and Lands within the said Settlement, and by taxing Carriages, Waggons, Carts, Horses, and Mules kept or used within the same.

Repealed by Act XXVII., 1856, s. 1.

BOMBAY ANNEXATION OF MANDVEE.

Act No. X. of 1848.

[*Passed on the 8th March,* 1848.

1. The lapsed State of Mandvee to be subject to laws in force in Bombay.

2. Certain specified matters not to be within cognizance of the Civil Courts in Mandvee, viz., (1) claims for damages against persons in authority; (2, 3, 4) claims of various kinds against Government; (5) claims on account of village debts, &c. Schedule. Territorial description of lapsed State.

An Act for annexing the lapsed State of Mandvee to the Presidency of Bombay.

Whereas the State of Mandvee has lapsed to the British Government:

I. It is hereby enacted, that from and after the 1st day of May, 1848, the lapsed State of Mandvee, as described in the annexed Schedule, shall be subject to all Regulations and Acts which are, or shall be, in force within the Territories subject to the Presidency of Bombay.

II. And it is hereby enacted, in modification of Section XXI., Regulation II. of 1827; of Section VI., Regulation XVI. of 1827; and Sections IX., XVI., XXXIV., and XLIX. of Regulation XVII. of 1827, that suits on the following subjects shall not be cognizable by the Civil Courts within the said lapsed State of Mandvee:—

1st. All claims for damages against persons in authority under the late Government for abuse of power during that pe iod.

2nd. All claims against Government on account of Enams.

3rd. All claims against Government on account of Jagheers, Wurshasuns, Pensions, Nemnooks and other advantages not hereditary.

4th All disputes regarding public Rent or Revenue payable to Government, and all complaints of exaction by Mamlutdars, or District or Village Officers.

5th. All claims on account of Village debts, all Village boundary disputes, and disputes regarding the use of wells and watercourses.

III. And it is hereby enacted, that the Governor of Bombay in Council shall be, and is hereby empowered to exempt from the jurisdiction of the Civil and Criminal Courts, the Widows and such of the present relatives of the late Rajas of Mandvee as may to him seem proper, and to declare the persons so exempted amenable to the authority of an Agent whom he may appoint for this purpose.

SCHEDULE.

Territorial Description of the Purgunna of Soowangiah, constituting the lapsed State of Mandvee.

It is bounded on the East by Punch Molec Purgunna, belonging to His Highness the Guicowar.

On the West, by Turkeswur Purgunna of the Surat Zillah, and Gullah Purgunna belonging to His Highness the Guicowar.

On the North, by Wusravee and Nausur Purgunnas belonging to His Highness the Guicowar, and Koondha Purguuna belonging to the Raja of Rajpeepla.

On the South, by Timbah Beearah and Soonghur Purgunnas belonging to His Highness the Guicowar, and Kurod and Walore Purgunnas of the Surat Zillah.

It comprises the undermentioned Towns and Villages, 162.

Town of Mandvee situated on the North Bank of the Taptee River.

Purgunna Soowangiah.

1. Khepor
2. Kakurwa
3. Poonah
4 Oon
5. Oosked
6. Umul Saree
7. Ghorsumba
8. Gamtulao Boojgur
9. Godawaree
10. Boree.
11. Nundpor
12. Khuralee
13. Oomersaree, J.
14. Cosaree, J.
15. Kumlapor, J.
16. Vureth
17. Kakrapar
18. Bulunga
19. Peepulwara
20. Kanaghat
21. Undhatree
22. Hureepor
23. Gangpor Hursud
24. Dudwara
25. Berdha
26. Bhat Khaee
27. Surkooee
28. Umulwan
29. Jeepo
30. Keodee, E.
31. Kurootha, E.
32. Zhuree
33. Umulchoonee, J.
34. Velunghur
35. Ambapor, J.
36. Lakhakham
37. Wensala.
38. Katkoowa, J.
39. Rukhus Khuree.
40. Kurwutee
41. Hurunwao
42. Kheempor.
43. Chandpor, J.
44. Rukhwao
45. Mugutroo
46. Khaturdevee
47. Khurgham
48. Goondwan.
49. Bulalteeruth
50. Roondha
51. Muhoodee
52. Gangpor Dewah Ranah
53. Makungur
54. Deoghuree, J.
55. Lumdha
56. Tarapor
57. Maldha
58. Joonwan, J.
59. Keemdoongra
60. Larkoowa
61. Choramba, J.
62. Esur
63 Patawaree
64. Deoghur
65. Undharwaree
66. Kunujwan, J.
67. Dhuj
68. Dhujamba
69. Kolkhuree
70. Looharwur
71. Bulettee
72. Solee
73. Puterkooee
74. Jamkooee
75. Peepulwan
76. Bhoondha
77. Amlee
78. Surapara
79. Limbaree
80. Chelwee
81. Gungapore.
82. Jamunkoowa
83. Peechurwan
84. Undhatree
85. Sursee
86. Bhensee
87. Jhuree
88. Burtul
89. Sutwao
90. Oomurkhuree
91. Gamtulao, Khoord
92. Tursarah Khoord
93. Kulumkoowa
94. Khurera
95. Foolwaree
96. Gordha
97. Veesdaleeya
98. Vagnera
99. Guntolee

100. Roopun
101. Vularghur
102. Saluya
103. Mooreetha
104. Kaleebel
105. Teetoee
106. Regama
107. Dadakooee
108. Purwut
109. Khor Amba
110. Kalmoee
111. Patul
112. Kumlasotee
113. Kolsanoo
114. Tooked
115. Mudhul Kooee, J.
116. Oontewah
117. Jhab
118. Choorel
119. Kusal
120. Fulee
121. Pardee
122. Ambath
123. Kurwulee
124 Bodhan
125. Muthasroo
126. Vurelee
127. Patna
128. Keodyoon
129. Peepultha
130. Tukwarah
131. Oomerwan
132. Vurod
133. Nougamah
134. Kolakooee
135. Dhurumpor
136. Togapor
137. Oosked
138. Khanpor
139. Rohenee
140. Untrolee
141. Boreegalo
142. Jhurpun
143. Ureth
144. Veghee
145 Nuryn
146 Guwachee
147. Khunjrolee
148. Khaler
149. Peepureeya, J.
150. Tursara
151. Jamunkoowa
152. Vurjakhund
153. Jhakla
154. Beerama
155. Sadree
156. Rutuneeya
157. Vuseegam
158. Naneecher
159 Mooteecher
160. Vanklah
161. Rajwur
162. Rajpoora Loombha.

WANDERING GANGS OF THIEVES.

ACT No. XI. OF 1848.

[*Passed on the* 20*th May*, 1848.

1. Gangs associated for theft or robbery, not being gangs of Thugs or Dacoits, to be punished with hard labour for not exceeding seven years.

2. Person accused of belonging to such gang, or receiving property stolen by gang, may be committed by any Magistrate, and tried by any Court.

3. No futwa of Law Officer necessary on trials under this Act.

An Act for the punishment of wandering gangs of Thieves and Robbers.

Whereas it is expedient to extend some of the Provisions of the Law for the conviction of Thugs and Dacoits to other gangs of Thieves and Robbers, it is enacted as follows:

I. Whosoever shall be proved to have belonged, either before or after the passing of this Act, to any wandering gang of persons associated for the purposes of theft or robbery, not being a gang of Thugs or Dacoits, shall be punished with imprisonment with hard labour for any term not exceeding seven years.

II. Any person accused of the offence of belonging to any such gang as aforesaid, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by any such gang, may be committed by any Magistrate within the Territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

Repealed by Act XVII., 1862.

CALCUTTA.—COURT OF REQUESTS.

Act No. XII. of 1848.

[*Passed on the 27th May,* 1848.

Recites doubts as to the powers exercised by the Commissioners, &c., by reason of illegality of proclamations.

1, 2. Legalizes all past proceedings had under recited proclamations.

3. Legalizes all proceedings had before any Commissioner sitting apart from others, and empowers the Commissioners to sit apart and hold concurrently one, two, or three Courts.

4, 5. Legalizes all the existing rules, orders, and forms of procedure and tables of the said Court; and (5) all summonses and other process issued by the Commissioners.

An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.

Court of Requests absorbed in the Small Cause Court and held under Small Cause Court Act, Act IX., 1850.

BENGAL.—LIMITATION OF SUITS.

Act No. XIII. of 1848.

[*Passed on the 10th June,* 1848.

1, 2. Suits for contesting any award made by the Revenue Authority before the passing of this Act, to be brought within twelve years from date of award; (2) but not after the expiration of three years from passing of this Act.

3. Awards made after this Act not to be contested after expiration of three years from date.

For limiting the time within which a suit may be brought to contest the awards of the Revenue Authorities in the Presidency of Bengal.

The matter of this Act is provided for by Act XIV., 1859, s. 1, c. 6, which in effect supersedes this Act.

CALCUTTA SUPREME COURT.—COMMISSIONS.

ACT No. XIV. OF 1848.

[*Passed on the* 17*th June*, 1848.

1. Empowers the Court to issue Commission to take affidavits and affirmations in any cause, pending or intended to be instituted.

2. Affidavit and affirmation taken under Commission to be deemed taken in the Court and liable to usual Court fees.

3. Consequences to persons taking false oath under Commission to be same as if taken in Court.

To enable the Supreme Court of Calcutta to issue Commission for taking Affidavits.

Whereas doubts are entertained whether the Supreme Court of Judicature at Fort William in Bengal has power on the Crown and Plea side of the Court, under the Charter of that Court, to grant a Standing Commission to take Affidavits, or solemn affirmations, and it is expedient that such power be had and exercised as occasion requires, it is enacted as follows:

I. After the passing of this Act, the said Court shall have power to issue a Commission or Commissions from time to time under the Seal of the said Court, to such person or persons as the said Court shall think fit to name therein, empowering him, or them, or any one or more of them, to take Affidavits and solemn affirmations in any cause or other proceeding in the said Court, now or hereafter to be depending, or with the intent to substitute any proceeding whatever in the said Court.

II. Every Affidavit or solemn affirmation so taken shall be deemed to be taken in the said Court, and shall render the person or persons taking the same liable to payment of the same fees (if any) to be received and accounted for in the same manner as in the case of an Affidavit or solemn affirmation made and taken in Court.

III. Every person so making any Affidavit or solemn affirmation, knowing the same or any part thereof to be untrue, shall be liable to the same penalties in all respects as if such Affidavit or solemn affirmation had been made and taken in open Court.

SUPREME COURTS.—OFFICERS.

Act No. XV. of 1848.

[*Passed on the* 17*th June*, 1848.

Recites that for better discharge of duties by Officers of Court—Enacts:

1. No Officer of Court established by Royal Charter or of Insolvent Court shall accept any gift or reward for official act other than his legal salary, &c., or hold any office for profit in any Bank, &c, except, &c., or be concerned in dealings as a banker, &c, for his own advantage or for any other person, &c.

2. This Act not to forbid any Officer, who is also a practising advocate, attorney, &c., from taking the usual fees, &c., of advocates, &c., nor to apply to any advocate, &c., so far as he is held to be merely for some purpose an Officer.

3. Act not to forbid Officer from holding any unpaid office in Society for charitable purposes, &c.

4. Officer offending against this Act to be liable on conviction to deprivation of office, and to be declared incapable of being appointed to other office of same Court, or to serve H. M, or to be punished by fine and imprisonment.

An Act to forbid trading by the Officers of the Supreme Courts.

For the better discharge of their duties by the Officers of the undermentioned Courts of Justice, it is enacted as follows:—

I. No Officer of any of the Courts of Judicature established by Royal Charter, within the Territories subject to the Government of the East India Company, or of any Court established for the Relief of Insolvent Debtors within the said Territories, shall, directly or indirectly, by himself, or by any other person or persons on his behalf, accept from any person or persons any gift or reward for any act or behaviour in his Office other than his legal salary and fees and profits of office, or hold any office in any Bank or Public Company, except as hereinafter excepted, or carry on or be concerned in any dealings as a banker or trader or as agent, factor or broker, either for his own advantage, or for the advantage of any other person or persons, except such dealings as

it may be part of the duty of any such Officer by virtue of his office to carry on.

II. This Act shall not be construed to forbid any Officer of any of the said Courts, who is also a practising Advocate, Attorney, Solicitor, or Proctor in any of the said Courts, from taking the usual fees and emoluments of Advocates, Attorneys, Solicitors, Proctors, nor to apply to any Advocate, Attorney, Solicitor, Proctor, Sheriff, Assignee, Receiver, or Committee, so far as he is held to be in that capacity merely for some purposes an Officer of any of the said Courts.

III. This Act shall not be construed to forbid any Officer of any of the said Courts from holding any unpaid office in any Society for charitable purposes, or for the advancement of knowledge, or for the encouragement of Science, Art, or Manufactures.

IV. Every Officer of any of the said Courts who shall knowingly offend against this Act shall, on conviction thereof, be liable to be punished by deprivation of his office, and also, by the sentence of the Court before which he shall be convicted, may be declared incapable, and in that case shall become incapable, of being appointed to the same or any other office of the same Court, or to serve Her Majesty or the East India Company in the Territories under the Government of the East India Company, or in such part of the said Territories as shall be specified in the sentence, or, in the discretion of the Court, may be otherwise punished by fine, or fine and imprisonment for his misdemeanour, as to the Court shall seem fit, regard being had to the nature of his offence.

N. W. PROVINCES.—SALT.

ACT No. XVI. OF 1848.

[*Passed on the* 1*st July*, 1848.

To remove unnecessary restrictions,

1. Repeals ss. 49, 50, 85, 93, and part of s. 48, of R. 10, 1819; also s. 2 of R. 10, 1826.

2. No Customs Duty leviable on Salt imported into N. W. P. from other provinces of the Presidency.

An Act to remove certain restrictions on the Salt Trade.

Whereas the Salt Trade in the North Western provinces is burdened with unnecessary restrictions, it is enacted as follows:

I. Sections 49, 50, 85 and 93, of Regulation X. of 1819, of the Bengal Code, and so much of Section 48, of the same Regulation, as affects the importation of Salt from the North Western Provinces into the other Provinces of the Presidency of Bengal, also Section 2 of Regulation X. of 1826, of the same Code, shall be repealed from the First day of August in this year.

II. After the said First day of August, no Customs Duty shall be leviable upon Salt imported into the said North Western Provinces from the other Provinces of the said Presidency.

MADRAS.—STAMP DUTIES.

Act No. XVII. of 1848.

[*Passed on the 26th August*, 1848.

To substitute Stamp Duties for institution fees in district Moonsiffs' Courts, and authorize the return of Stamp duties in certain cases.

1. Repeals s 16 and c. 2, s. 57 of R 6, 1816, and ss. 4 and 5 of R. 2, 1834, Madras Code.

2. Applies to District Moonsiffs' Courts parts of R. 13, 1846, and s. 7 of R. 7, 1818, of Madras Code, relating to the substitution of Stamp duties for institution fees, &c.

3, 4. On dismissal of suit, on application of the parties, in any Civil Court, plaintiff shall be entitled to a certificate of the Stamp Duty paid on Plaint; and (4) after dismissal, the Collector shall return half or the whole of the amount, according as suit was dismissed before or after completion of the pleadings

An Act for substituting Stamp Duties instead of Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras; and for refunding Stamp Duties on Plaints in certain cases.

Whereas it is expedient to substitute Stamp Duties for Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and to authorize the return of the whole or part of the Stamp Duties paid on Plaints in all civil actions which are dismissed on application of the parties, it is enacted as follows:

I. Section XVI., and clause 2, Section LVII., Regulation VI.,

1816, and Sections IV. and V., Regulation II., 1834, of the Madras Code, shall be repealed from the First day of September in this year.

II. From and after the said First day of September, so much of Regulation XIII., 1816, and Section 7, Regulation VII., 1818, of the Madras Code, as relates to the levying of Stamp Duties, instead of Fees on the institution of Civil actions, shall be applicable to the Courts of District Moonsiffs in the Presidency of Madras.

III. Whenever a suit pending in any Civil Court within the Territories subject to the Presidency of Madras shall be dismissed on application of the parties, the plaintiff shall be entitled to claim from the Court a certificate, stating the amount of Stamp Duty paid on the Plaint, with specification of the number and endorsement of the paper filed, and whether the suit was dismissed before or after the completion of the pleadings.

IV. On presenting any such certificate to the Collector of the District within three calendar months after the dismissal of the suit, the plaintiff shall be entitled to receive back half of the said Stamp Duty, if the certificate purports that the suit was dismissed after the completion of the pleadings; and if before, the whole of said Stamp Duty; provided always there be no exception taken to the paper or endorsement thereon.

NAWAB OF SURAT.

ACT NO XVIII. OF 1848.,

[*Passed on the 26th August*, 1848.

1. No writ or process to be sued out, against person, &c., of widows, &c., of late Nawab, &c., unless with consent of G in C., and writ sued out without such consent to be null and void.

2. G. of B. may act in administration of property left by late Nawab, &c., and no act in respect to such administration to be questioned in any Court.

3. Limits the time for bringing actions in certain cases.

4. Abrogates for six months the general law of Registration of deeds in favor of certain specified persons.

An Act for the Administration of the Estate of the late Nawab of Surat, and to continue privileges to his family.

Whereas it is expedient to provide for the administration of the Estate of the late Nawab of Surat, Meer Ufzoolooddeen Khan,

Kumrood Dowleh, Ushmut Jung, Bahadoor, and whereas the exemption from the jurisdiction of the Civil and Criminal Courts enjoyed by the said late Nawab, and his relations and servants, by virtue of the treaty concluded between the East India Company and the said late Nawab, on the 13th May, 1800, recognized and confirmed by Clause 2, Section XXI., Regulation II., 1827, and Clause 2, Section I., Regulation XI., 1827, of the Bombay Code, ceased at the death of the late Nawab, and it is deemed expedient that some of the said persons should continue to be privileged, it is enacted as follows:

I. No writ or process shall be sued forth or prosecuted against the person, goods or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nawab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained,; such consent to be signified by the signature of one of the Secretaries to Government; and any writ or process sued forth or prosecuted against the person, goods, or property of the said several persons or any of them without such consent as aforesaid, shall be utterly null and void.

II. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature, left by the late Nawab of Surat, in regard to the settlement and payment of the debts and claims standing against the Estate of the said late Nawab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late Nawab, shall be liable to be questioned in any Court of Law or Equity.

III. The limitation of time for bringing suits in the Civil Courts, provided in Regulation V. of 1827, of the Bombay Code, shall be held, in respect to all persons within the provisions to Clause 2, Section XXI. of the said Regulation II., 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act: subject to this provision, that no suit by or against any of the said persons shall be entertained in any Civil Court, on account of any cause of action which arose at a time preceding the death of the said late

Nawab by more than the number of years or months severally limited, with reference to such cause of action, by the said Regulation V., 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

IV. Deeds registered under the provisions of any Act passed by the Governor General of India in Council, shall not, on the sole ground of priority of registration, invalidate Deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said Clause 2, Section XXI., Regulation II., 1827; provided that such last-mentioned Deed relates to property conveyed to the owner before the day of the passing of this Act.

SCHEDULE.

1	Badsah Begum	Widow	Of the late Nawab.
2	Ameerool Nissa Begum ...	Widow	
3	Meer Juffer Ali	Son-in-law	
4	Zeeaool Nissa Begum ...	Grandaughter	
5	Ruheemool Nissa Begum ...	Grandaughter	
6	Meer Moeenooden Khan	Buckshee.	
7	Meer Kumroodeen Umlud Shumsooddeen.		

BENGAL AND MADRAS.—CRIMINAL SENTENCES.

ACT No. XIX. OF 1848.

[*Passed on the 2nd September*, 1848.

1. Repeals S. 4, R. 9, 1831, Bengal Code, and S. 35 of Act 7, 1843.

2. Nizamut A. in Bengal and Foujdaree A. in Madras, in case of persons sentenced without reference, may, on view of abstracts and Calendar, annul the sentence, and order same to be amended.

3. Niz. A. and Fouj. A. may, in case of prisoners punished without reference, require the evidence to be certified to them, and may annul the verdict, &c., or mitigate their sentence.

4. Niz. and Fouj. may call for the whole record of any criminal trial and pass orders thereon, but not increase punishment awarded, nor punish person already acquitted.

For better defining the Law as to revision of the sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras.

Whereas it has been doubted how far Section V., Regulation IX., 1831, of the Bengal Code is repealed by Act XXXI., 1841, and what power the Foujdaree Adawlut at Madras has under Section XXXV., Act VII., 1843, it is enacted as follows:

I. So much of Section V., Regulation IX., 1831, of the Bengal Code, as is now in force, and also Section XXXV., Act VII., 1843, are repealed.

Repealed by Act XVII., 1862.

LOWER BENGAL.—LAND REVENUE.

Act No. XX. of 1848.

[*Passed on the 23rd September*, 1848.

1 & 4. Proprietor or farmer refusing to attend Collector's Court when only summoned under recited Regulations, or not furnishing accounts, Collector may impose a daily fine, &c., not exceeding 50 Rs. recoverable in same manner as arrears of revenue: but (4) not more than Rs. 50 to be levied, unless authorized by Commissioner.

2. Collector to report the imposition of fines and amount levied to Commissioner of Revenue

3. Collector's orders under this Act appealable to Commissioner, but fine notwithstanding appeal, may be levied.

4. (See ante. 1.)

5. Act not to repeal the power of imposing daily fines, &c.

6. Interprets the word Collector.

7. Act not to extend to N. W. Provinces.

An Act for better enforcing the attendance of Proprietors and Farmers of Land before Collectors of Land Revenue in the Lower Provinces of the Bengal Presidency.

Whereas, by sundry Regulations of the Bengal Code, provision is made for the imposition of a daily fine, by the Board of Revenue, or other authority exercising the powers of that Board, on any proprietor or farmer of land subject to the provisions contained in the said several Regulations, who, when duly summoned by the Collector or other Officer exercising the powers of Collector, shall omit or refuse to attend, or to cause his Officer or Agent to

attend, or to furnish the accounts or documents required, and shall not show sufficient cause for such omission; and it is further provided that the fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue; and whereas, in many cases, by the delay thus occasioned, the whole burden of the penalty is greatly increased beyond what would be necessary, if summary power were given to the Officer by whom the requisition is made, to impose and levy reasonable fines, subject to review by the Commissioner of Revenue and other superior authority, it is enacted as follows:

I. If any proprietor or farmer of land shall omit or refuse to attend, or to cause his Officer or Agent to attend, when duly summoned by the Collector, in any case specified in any of the said Regulations, by the time prescribed in the notice issued by the Collector, or shall omit or refuse to furnish the accounts or documents required, and shall not show sufficient cause for such omission, the Collector may impose, of his own authority, such daily fine, to be payable daily until compliance with the requisition, as he may think adequate to the situation and circumstances in life of the defaulter, not exceeding in any case the daily fine of Fifty Rupees: and the amount of such fine, accruing due from time to time, may be levied without further confirmation, by the same process as is prescribed for the recovery of arrears of revenue.

II. The Collector shall forthwith report the imposition of every such fine, and the amount thereof, and also from time to time the amount levied, to the Commissioner of Revenue, who shall report the same for the information of the local Government.

III. Every order passed by a Collector under this Act shall be appealable in the usual manner to the Commissioner of Revenue, and other superior authority; but no such appeal shall avail to prevent the levy of any fine so imposed pending the appeal.

IV. Whenever the amount levied under any such order issued for any default by authority of a Collector under this Act, shall have exceeded Five Hundred Rupees, the Collector shall report the case specially to the Commissioner of Revenue; and no further levy for such default shall be made, otherwise than by authority of the Commissioner of Revenue.

V. Nothing in this Act contained shall be deemed to repeal

the power of imposing daily fines, and of levying the fines so imposed, in the manner prescribed by the said several Regulations.

VI. The word "Collector" used in this Act shall be taken to mean any person lawfully exercising the powers of a Collector.

VII. This Act shall not extend to the North West Provinces of the Presidency of Bengal.

WAGERS.

Act No. XXI. of 1848.

[*Passed on the* 10*th October*, 1848.

To discourage gaming, &c.

1. Enacts: All agreements by way of gaming or wagering to be null and void, and no action or suit to be allowed for money won or deposited on a wager, &c.

2. Abolishes feigned issues in Supreme Court as on wagers, and authorises witnesses to be examined in the cause without issue.

An Act for avoiding Wagers.

Whereas it is expedient to discourage gaming and wagering for money, it is enacted as follows:

I. All agreements, whether made in speaking, writing, or otherwise, by way of gaming or wagering, shall be null and void: and no suit shall be allowed in any Court of Law or Equity for recovering any sum of money or valuable thing alleged to be won on any wager, or entrusted to any person, to abide the event of any game, or on which any wager is made.

II. The several Courts of Justice established by Royal Charter, instead of directing an issue to be tried on a feigned wager for ascertaining any disputed fact, in the exercise, as well of the Equity, or Admiralty, or any other Jurisdiction, as of the common law jurisdiction of the Court, may issue summonses to witnesses, and cause them to be examined orally in open Court as witnesses in the cause; and the witnesses so summoned shall be bound to attend and give their evidence in the same manner, and under the like penalties for neglect or disobedience, or for giving false evidence, as any witness duly summoned to give evidence according to the practice of the Court before the passing of this Act.

Act VIII., 1867, provides against the application of this Act to certain transactions in horse-racing.

SUPREME COURTS.—FORGERY.

ACT No. XXII. OF 1848.

[*Passed on the* 10*th October*, 1848.

1. In Indictments, &c., for forgery, exact copy of forged writing need not be set forth, but same may be described, as in an indictment for stealing it.

An Act to simplify Indictments for Forgery.

Superseded by Code of Criminal Procedure and Indian Penal Code.

BENGAL.—ABKARREE.

ACT No. XXIII. OF 1848.

[*Passed on the* 10*th October*, 1848.

1. Offences under Section 7 of Act XXV., 1840, may be cognizable before any Magistrate.

An Act to amend a Clerical Error in Act No. XXV., 1840.

Repealed by Act XXI., 1856.

THE GOVERNOR GENERAL.

ACT No. XXIV. OF 1848.

[*Passed on the* 10*th October*, 1848.

Recites expediency that G. G. should visit N. W. Provinces unaccompanied by Member of Council. Enacts—

1. That during absence from Council, G. G. may exercise all the powers of G. G. in C., except such as are delegated to President in C., and power of making laws.

2. Act when to commence.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Expired.

MADRAS.—BUNGANAPILLY.

ACT No. XXV. OF 1848.

[*Passed on the* 25*th November*, 1848.

1, 2, 3. Authority of Agent of G. of Madras to cease as to district of Bunganapilly; but (2) without prejudice to past acts of Agent, and (3) without

prejudice to the authority of F and S. Adawluts as to cases theretofore referred to them by Agent.

4. Agent after having had his accounts passed and received his discharge from Government, not to be accountable in Court of Justice.

5. This Act not to affect the authority of the E. I. C in Bunganapilly.

An Act for Restoration of the Jagheer of Bunganapilly.

Whereas by Act X., 1843, the administration of justice and collection of the revenue in the districts of Kurnool and Bunganapilly were vested in an Agent appointed by the Governor of Fort St. George in Council; and it is now deemed expedient to restore the Jagheer of Bunganapilly, to be holden by the Jagheerdar, subject to the same conditions and reservations as heretofore, it is enacted as follows:

I. On the First day of January, 1849, the authority of the Agent of the Governor of Fort St. George, appointed under Act X., 1843, shall cease as to the district of Bunganapilly; and no Agent shall thereafter be appointed for Bunganapilly under that Act.

II. All lawful proceedings of the said Agent and his Assistants before the said First day of January shall stand good.

III. The Foujdaree Adawlut and Sudder Adawlut shall continue to have and exercise the same jurisdiction respectively as to criminal trials referred by the Agent before the said First day of January, and as to appeals from any decree made by the Agent before the said First day of January, as if his authority had not ceased in the said district; and their judgments and orders shall be executed in the same manner.

IV. When the Agent shall have duly accounted to the Governor of Fort St. George in Council, for all moneys received and paid by him in his administration of the revenues of the said Jagheer, and shall have received, by order of the said Governor in Council a discharge in full of all claims against him for such administration, neither he nor any of his Assistants shall be liable to give any further account, or to be questioned for the same or any part thereof in any Court of Justice.

V. Nothing in this Act contained shall be deemed to waive or abate any part of the paramount authority and control of the East India Company over the said district, or of the Sovereign authority of the British Government.

STRAITS' SETTLEMENTS.—CORONERS.

ACT No. XXVI. OF 1848.

[*Passed on the* 30*th December*, 1848.

Extends Act IV. of 1848 to the Straits' Settlements.

An Act to extend to the Straits the Act for regulating Coroners' Juries.

Whereas it is expedient to extend the operation of Act No. IV., 1848, it is enacted as follows:

I. From the First day of March, 1849, Act No. IV., 1848, shall apply to the Settlements of Prince of Wales' Island, Singapore, and Malacca, and to all inquests held there by any Coroner, or Deputy Coroner; and the word Presidency, as used in the said Act, shall be taken to mean also the Government of the said Settlements.

INDIAN NAVY.

ACT No. XXVII. OF 1848.

[*Passed on the* 30*th December*, 1848.

1. Enacts, in addition to the existing 35 articles of war, the following, viz: (36th) Art. certain offences by persons belonging to Indian Navy not provided for by Act 12 of 1844, to be punished with transportation for life or for years, or as Court Martial may award. (37th) Insubordination, disorders, irregularities, and neglects by persons in Indian Navy, to the prejudice of good order &c., and all disgraceful conduct, &c., not specified in former Act, or in this Act, to be punished as Court Martial may award. (38th) If any person belonging to Indian Navy (not being an officer) shall be guilty of offence which Officer in command shall deem necessary to be punished without trial by C. M., such Com. Off. may investigate case, and order punishment.

2. In the several cases in which C. M. may award punishment of death, and in cases of grave embezzlement, &c., and other specified cases, &c., C. M. may award transportation.

3. In all cases in which capital punishmemt shall have been awarded by C M. the G. in C. may commute to transportation.

4. Persons under sentence or order for transportation under this Act, to be dealt with as other offenders under like sentence.

5. G. G. of India in C, the G. in C. of Madras and Bombay, may order any Superior Commanding Officer, &c., of Indian Navy to hold Cs. M. in any port, &c., and such Office, &c., shall preside thereat.

6. Any Officer of Indian Navy ordered to act on C. M. shall be eligible to act.

7. If not a sufficient number of Superior Officers of Indian Navy to form a C. M., the required number may be made up of Officers in the Military Service of E. I. C., being commissioned, &c., and of the rank of Major or Captain, and, in default of such, of any Officer of H. M. Naval Service of sufficient rank.

8. Clauses, &c., of Act 12, 1844, for regulating places to which, &c., Act is to extend, and all other clauses, &c., to apply to this Act, and the two Acts to be construed together, &c.

An Act to amend the Act XII. of 1844.

Whereas it is deemed expedient that the Act No. XII. of 1844, entitled "An Act for better securing the observance of an Exact Discipline in the Indian Navy," should be amended as hereinafter is mentioned, and whereas the Court of Directors of the East India Company have given their previous sanction to the several enactments hereinafter contained, it is enacted as follows:

I. From and after the First day of February, 1849, the Articles and Orders hereinafter following, as well in time of Peace as in time of War, shall be observed and put in execution in manner hereinafter mentioned in addition to the thirty-five Articles and Orders contained in the said Act, that is to say:

36th. Every person belonging to the Indian Navy who shall be guilty of manslaughter, or any other offence against the person or of any offence against the property, of any subject of Her Majesty, or any other person entitled to Her Majesty's protection, or to the protection of the respective Governments of the East India Company, or any other person whomsoever, not being an Enemy of Her Majesty or of the East India Company (and the punishment of which offence is not provided for by the said Act), shall be liable to transportation for life, or for a term of years, or to such other punishment according to the nature and degree of the offence, as a Court Martial shall award.

37th. All Insubordination, Disorders, Irregularities, and Neglects which any person belonging to the Indian Navy may be guilty of, to the prejudice of good order or of discipline in the Naval Service of the East India Company, and all disgraceful conduct of a cruel, or dishonest, or indecent, or malicious, or mischievous character, though not particularly specified in the said Act, or in this Act, shall be liable to such punishment, having regard to the nature and degree of the offence, as a Court Martial shall adjudge.

38th. Where any person belonging to the Indian Navy (not

being of the Rank of an Officer), shall be guilty of any offence which the Officer in Command of the Ship or Vessel shall deem necessary to be punished without trial by Court Martial, the offence shall be investigated by such Commanding Officer; and the offender shall be liable to such punishment (not extending to life or limb, or to transportation, or imprisonment exceeding six days, or to any corporal punishment exceeding twelve lashes), as such Officer shall by his Warrant adjudge.

II. In the several cases in which a Court Martial is by the said Act authorized to award the punishment of death and also in grave cases of embezzlement against the 8th and 24th Articles of the said Act, and also in the case of grave offences against the 20th and 21st of the said Articles, a Court Martial may, if it shall adjudge the same to be proper, award sentence of transportation for life or for a term of years.

III. In all cases where a capital punishment shall have been awarded by a Court Martial, it shall be lawful for the Governor General in Council (if he shall think the circumstances of the case make it proper so to do), to order the offender to be transported for life, or for a certain term of years.

IV. In cases where any sentence of transportation shall be passed under the provisions of the said Act, or of this Act, or any sentence of death be commuted to transportation, the offender shall be conveyed to or left at some one of the Presidencies of India, and shall be liable to be dealt with, as in the case of other offenders sentenced to transportation, and shall be subject to all such orders for carrying the sentence into execution as shall in that behalf be given by the Governor General in Council, or, if the offender shall be at the Presidency of Fort St. George or the Presidency of Bombay, then by the Governor in Council of such Presidency; subject, however, in the last-mentioned case, to any orders made by the Governor General in Council, in case any such orders shall have been so made.

V. The Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority from time to time, as there shall be occasion, to direct any superior Officer, Captain, or Commander of the Indian Navy, who shall be in any Port of the East Indies, to hold Courts Martial in any such Port as shall be found most

expedient and for the good of the East India Company's Service; and such superior Officer, Captain, or Commander shall preside at such Court Martial.

VI. And for removing the doubts which have been entertained as to the effect and intention of the 9th Section of the said Act, No. XII. of 1844, in relation to the Officers of whom Courts Martial, to be held or appointed under that Act, shall be composed, it is declared and enacted, that any Officers of the Indian Navy, ordered by Government or the Superintendent of the Indian Navy to be present at any Court Martial, for the purpose of serving thereat, if required, shall be eligible to act on any Court Martial, although such Officers may not be commissioned to any Ship or vessel.

VII. If on any occasion there shall not be present a sufficient number of Superior Officers, Captains, Commanders, and Lieutenants of the Indian Navy to form a Court Martial, for the purposes of the said Act or of this Act, the required number of Officers may, with the sanction of the Government, or Officer by whose authority the Court Martial shall have been convened, be made up or completed by any Officer or Officers in the Military Service of the East India Company, then being Commissioned and in Pay, and of the Rank either of Major or Captain, who may be present, and may be ordered, or be ready, to afford his or their services on such Court Martial; and, for default of such or of a sufficient number of such, then the deficiency may be supplied by any Officer or Officers of Her Majesty's Naval Service of sufficient Rank, according to the said Act, who may be present, and may be ready to afford his or their services on such Court Martial; and the proceedings of a Court Martial so constituted shall be valid and effectual.

VIII. The Clauses and Provisions of the said Act No. XII., of 1848, for regulating the places to which and persons to whom the same is to extend, and also the other Clauses and Provisions thereof shall apply to this Act, and the two Acts shall be construed together as one Act, and the same effect shall be given thereto and to the several Articles and Provisions thereof respectively, as if the Articles and Provisions contained in this Act had been originally contained in the said Act No. XII. of 1844, and had formed part of the Articles and Provisions of that Act.

OFFENDERS IN FOREIGN STATES.

ACT NO. I. OF 1849.

[*Passed on the 27th January*, 1849.

Recites expediency of uniformity of law for trial of Native Subjects for offences in Foreign States.

1. Repeals R. 5, 1809; R. 8, 1813; S. 6, R. 1, 1822; R. 9, 1822; R. 8, 1829; of Bengal Code; R. 2, 1829; R. 12, 1832, of Madras Code; and S. 4, R. 11, 1827, of Bombay Code.

2. Enacts. All subjects of the Government, and all in Civil or Military Service, while in service, and for six months afterwards, &c., shall be amenable to the law for all offences committed within foreign territory, and may be bailed or committed, &c.

3. Committing Magistrate, before trial, to report case to Government, and obey orders of Government.

4. Government may order trial to be had before what tribunal.

5. If offence charged was committed in foreign territory administered by Officer of E. I. C., &c., offender may be sent back to such territory for trial.

6. What the warrant of commitment and what the bail-bond shall express: bail-bond may be renewed.

7. Order of Government sufficient authority for trial within British territories or conveyance out of.

8. Interpretation of word "Government."

9. Commissioner or other officer delegated by Government: may exercise these powers.

An Act to provide more effectually for the punishment of offences committed in Foreign States.

Whereas divers Regulations of the Bengal, Madras, and Bombay Codes have been made from time to time for the trial of Native Subjects of the British Government, committing criminal offences beyond the limits of the British Provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof, it is enacted as follows:

I. The undermentioned Regulations and parts of Regulations are rescinded, that is to say:

Regulation V. of 1809, Regulation VIII. of 1813, Section VI. of Regulation I., and the whole of Regulation IX. of 1822, and Regulation VIII. of 1829, of the Bengal Code; Regulation II. of 1829, and Regulation XII. of 1832, of the Madras Code; Section IV. of Regulation XI. of 1827, of the Bombay Code; except so far as any of them rescinds any former Regulation.

II. All subjects of the British Government, and also all persons in the Civil or Military Service of the said Government, while actually in such service, and for six months afterwards, and also all persons who shall have dwelt for six months within the British Territories under the Government of the East India Company, subject to the laws of the said Territories, who shall be apprehended within the said Territories, or delivered into the custody of a Magistrate within the said Territories, wherever apprehended, shall be amenable to the law for all offences committed by them within the Territory of any Foreign Prince or State; and may be bailed or committed for trial as hereafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence, if it had been committed within the British Territories.

III. The Committing Magistrate, immediately, and before the trial, shall report every such case to the Government, and shall obey the orders which he shall receive thereon.

IV. The Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within the British Territories.

V. When the offence is charged to have been committed in the Territory of any Foreign Prince or State, administered by Officers acting under the authority of the East India Company, in which Territory a Court competent to try the person charged for the offence, is established by authority of the Governor General of India in Council, the Government may order such person to be conveyed in custody out of the British Territories, for the purpose of delivering him up for trial before such Court.

VI. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of Government can be received and acted on; when he is bailed, the form of the bail-bond shall be, in the first instance, to appear before the Magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of Government, and on such subsequent days as the Magistrate from time to time shall require, and if Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

VII. In either case, the special order of the Government shall be deemed full authority, either for the trial and punishment of the person charged within the British Territories, or for conveying him in custody out of the British Territories, as aforesaid.

VIII. The word "Government" as used in the third and following Sections of this Act, means the Governor or Governors in Council, or other person or persons having supreme executive authority in the Presidency or place to which the committing Magistrate belongs.

IX. The authority hereinbefore given to the Government may be also exercised by any Commissioner or other person acting in the Civil Service of the East India Company, to whom the Governor General in Council shall have delegated authority to receive reports and give orders in cases within this Act.

The Indian Penal Code extends to Offences under this Act.

See I. P. C., ss. 3, 4.

BRANDING CONVICTS.

ACT NO. II. OF 1849.

[*Passed on the 27th January*, 1849.

Recites expediency of abolishing practice of branding, &c., convicts.

1. Repeals S. 11, R. 4, 1797; S. 35, R. 7, 1803; clauses 2, 3, 4, S. 12, R. 17, 1817, of Bengal Code; S. 35, R. 7, 1802, of Madras Code; part of clause 1, S 3, R. 2, 1807, and of Ss. 9 and 10, R. 17, 1817, of Bengal Code; part of S. 3, R. 6, 1811, and Ss. 5 and 6, R. 2, 1822, of Madras Code; and all other regulations for fixing indelible marks, &c., and part of Chap. 2, R. 14, 1827, of Bombay Code.

2. Prohibits branding or order for indelibly marking or exposing by Tusheer, &c., of any convicted offender.

To abolish the practice of branding and exposing Convicts.

Whereas, it is thought fit to abolish wholly the practice of branding and publicly exposing Convicts throughout the Territories under the Government of the East India Company, it is enacted as follows:

I. Section XI., Regulation IV., 1797, Section XXXV., Regulation VII., 1803, and Clauses Second, Third, and Fourth, Section XII., Regulation XVII., 1817, of the Bengal Code, Section XXXV., Regulation VII., 1802, of the Madras Code,

and so much of Clause First, Section III., Regulation II. of 1807, and of Sections IX. and X., Regulation XVII. of 1817, of the Bengal Code, so much of Section III., Regulation VI. of 1811, and Sections V., VI., Regulation II. of 1822, of the Madras Code, and all other Regulations or parts of Regulations in force directing that any convicted offenders shall have any indelible mark made upon their foreheads, or on any part of their persons, or authorising any sentence of public exposure, commonly called Tusheer, and so much of Chapter II., Regulation XIV. of 1827, of the Bombay Code, as authorises any sentence of public disgrace, are rescinded.

II. After the passing of this Act it shall not be lawful for any Court or Magistrate within the Territories under the Government of the East India Company, to order that any brand or indelible mark of any kind be made, or renewed on any part of the person of any convicted offender or to sentence any offender to be publicly exposed by Tusheer, or to any other degrading exposure.

UNION BANK, CALCUTTA.

ACT NO. III. OF 1849.

[*Passed on the* 10*th February*, 1849.

Recites Act 23, 1845, for Incorporation of Union Bank of Calcutta, and recites Memorial to G. G. in Council by Executive Committee of Bank, and by creditors of Bank; setting forth that Bank had suspended payment, and an arrangement proposed to be made with creditors, and praying powers to give effect to such arrangement.

1. Gives validity to recited agreement, as between all parties executing it.
2. Bars creditors who execute the agreement from general legal remedies.
3. Agreement not to bar remedies against persons who do not pay specified assessment.
4. Saves proceedings commenced before assessment.
5. Provides for authentication of assessment by filing the same, &c. Copy of Agreement.

An Act to confirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.

Carried out and the Bank affairs wound up.

LUNATICS.

ACT NO. IV. OF 1849.

[*Passed on the* 10*th Febuary*, 1849.

Recites expediency of declaring what unsoundness of mind is to constitute excuse for crimes, and of providing for safe custody of such persons.

1. Person committing an offence not to be acquitted for unsoundness of mind, unless found to have been unconscious and incapable of knowing that he was doing an act forbidden by law, by reason of unsoundness of mind, not wilfully caused by himself.

2. On Acquittal for such excuse, ground of excuse to be found in special verdict.

3. Persons so acquitted to be disposed of by Court for safe custody, &c.

4. Persons heretofore acquitted on ground of insanity, &c., to be kept in strict custody as persons hereafter to be acquitted.

5. No person acquitted by such special verdict shall be discharged on becoming of sound mind, unless by order of Government.

6. Person under sentence of imprisonment, appearing to be of unsound mind, may be removed to Lunatic Asylum, and kept till he shall again become of sound mind, &c.

7. Interpretation of the word "Government."

An Act for the Safe Custody of Criminal Lunatics.

Whereas it is expedient to declare what unsoundness of mind excuses the commission of criminal acts, and to provide for the safe custody of persons found to have committed such acts, but acquitted by reason of unsoundness of mind, it is enacted as follows:

I. No person, who does an act, which, if done by a person of sound mind, is an offence, shall be acquitted of such offence for unsoundness of mind, unless the Court or Jury, as the case may be, in which according to the constitution of the Court, the power of conviction or acquittal is vested, shall find that, by reason of unsoundness of mind, not wilfully caused by himself, he was unconscious, and incapable of knowing, at the time of doing the said act, that he was doing an act forbidden by the law of the land.

II. Whenever a person charged with any offence shall be acquitted, because he is within the exception made by the foregoing Section, the Court or Jury shall give a special judgment or verdict, that he did the act charged against him, being then of unsound mind, so as to excuse him according to law.

III. Whenever such special judgment or verdict as aforesaid shall have been given against any person, the Court before which the trial was had shall order him to be kept in safe custody, in such place and manner as to the Court shall seem fit, until the pleasure of the Government can be known thereon: and thereupon the Government may order such person to be kept in strict custody, for such time and in such manner as to the Government shall seem fit.

IV. In all cases in which, before the passing of this Act, any person has been acquitted of any offence, on the ground of insanity, lunacy, idiocy, or unsoundness of mind, such person may be kept in the same strict custody in which persons may be kept, who shall be hereafter acquitted for unsoundness of mind.

V. No person, against whom any such special judgment or verdict shall have been given, shall be entitled to be discharged out of custody, on being restored to soundness of mind, unless by order and at the discretion of the Government.

VI. Whenever it shall appear to the Government that any person, imprisoned by the sentence of any Court, is of unsound mind, the Government, by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a Lunatic Asylum, or other fit place of safe custody, there to be kept and treated as the Government shall order; and when it shall appear to the Government that such prisoner has become of sound mind, the Government, by a warrant directed to the person having charge of him, shall remand such prisoner to the prison from which he was removed, if then still liable to be kept in custody, or, if not, shall order him to be discharged out of custody.

VII. The word "Government" in this Act shall be taken to mean the Governor, or Governor in Council, or other person or persons administering the Government of the Presidency or place where the trial is had.

Repealed by Act XVII., 1862, as respects places where the Code of Criminal Procedure is in operation. Still in force as respects the Presidency towns. (Reg. *v.* D'Rozario.)

STRAITS' SETTLEMENTS.—CUSTOMS AND EXCISE.

ACT NO. V. OF 1849.

[*Passed on the 3rd March,* 1849.

Recites doubts as to the quantity of Arrack on which duty may be taken.

1. Enacts that duty may be taken *pro ratâ* upon any quantity.

An Act for better defining the Duties of Customs and Excise.

Whereas, under the Regulations in force for taking a duty of twenty Spanish Dollars for each and every Leaguer of Arrack or Asiatic Rum imported into and intended for consumption within Prince of Wales' Island, Singapore, and Malacca, doubts have arisen whether any duty may be taken on importation of a quantity less than a Leaguer, and it is expedient that such doubts be removed, and that the meaning of all such or the like expressions in any Regulation or Act for the levy of Customs or Excise Duties within the Territories under the Government of the East India Company, be plainly declared, it is declared and enacted as follows:

I. Whenever by any Regulation or Act now or hereafter to be in force, not containing any direction to the contrary, a certain duty of Customs or Excise, or in the nature thereof, is leviable on any given quantity, by weight, measure, or value, of any goods or merchandise, a like duty is leviable according to the same rate on any greater or less quantity.

PENSIONS AND SUPERANNUATION ALLOWANCES.

ACT NO. VI. OF 1849.

[*Passed on the 17th March,* 1849.

Recites expediency of extending and consolidating the law.

1. Repeals R. 12, 1814, of Bengal Code, and Act 31, of 1845.

2. Reduced pay or pension, however called, of Invalid Officer, &c., in service of E. I. C., and monthly or yearly pension or allowance to any person in consideration of past services, &c., granted by Government to Chelsea and Greenwich Hospital Pension, &c., to be exempt from seizure for debt, &c.

3. And all assignments, &c., in anticipation of such pensions, to be null and void.

4. Act not to apply to process issued and assignments made before passing of Act in Madras, nor before 27th December, 1845, in respect of pensions granted in Bombay, nor before 27th May, 1814, in respect of pensions granted in Bengal.

For securing Military and Naval Pensions and Superannuation Allowances.

Whereas it is expedient to consolidate and extend the operation of the Law as to the exemption of Military and Naval Pensions, and other Superannuation Allowances, from seizure under process of Law, it is enacted as follows:

I. Regulation XII., 1814, of the Bengal Code, and Act XXXI., 1845, are repealed.

II. The reduced pay or pension, however called, of any Invalid Officer, Soldier, Sailor, or Retainer of the Army or Navy, in the Military or Naval Service of the East India Company, and also any monthly or yearly pension, or pecuniary advance to any person, in consideration of past services and present infirmities, or old age, granted by authority of the Governor General in Council, or of the Governor or Governor in Council, or Lieutenant Governor, of any Presidency or Place within the Territories under the Government of the East India Company; and also the pension of any Out-Pensioner of Chelsea or Greenwich Hospital, granted by authority of the Commissioners of Chelsea or Greenwich Hospital respectively, and also all money due, or to become due on account of any such pension or allowance, shall be exempt from seizure, attachment, or sequestration by process of any Court within the said Territories, at the instance of a creditor, for any demand against the said Pensioner, or in satisfaction of a decree or order of any such Court.

III. All assignments, agreements, orders, sales, and securities of every kind made by any such Pensioner, in respect of any money not payable at or before the making thereof, on account of any such pension, or for giving or assigning any future interest therein, are null and void.

IV. This Act shall not apply to any process of any Court established by Royal Charter, issued out of such Court before the passing of this Act, or to any assignment, agreement, order, sale, or security by any such Pensioner, made before the passing of this Act, in respect of a Chelsea or Greenwich pension, or a

pension or allowance granted in the Presidency of Madras, or before the 27th December, 1845, in respect of a pension or allowance granted in the Presidency of Bombay, or before the 27th May, 1814, in respect of a pension or allowance granted in the Presidency of Bengal.

BENGAL.—ADMINISTRATOR GENERAL.

ACT No. VII. OF 1849.

[*Passed on the 7th April*, 1849.

Recites expediency of disconnecting the administration of Intestate Estates from office of Ecclesiastical Registrar.

1. Enacts, in case of death and intestacy and, after citation, no next of kin appearing and making out claim to administration; also in case of executor refusing to prove will, the Administrator General shall apply for letters of administration, &c.

2. All letters of administration, &c., granted to Ecclesiastical Registrar, and probates, &c., granted to him, and Estates, &c., vested in him, and books, &c., in his possession, &c., transferred by this Act, without other grant, to Administrator General, who shall have same powers, &c.

3. Ecclesiastical Registrar at time of passing Act to be first Administrator General.

4. Future Administrator General to be appointed by G. G. of India in Council.

5. Administrator General not to be deemed an Officer of Supreme Court.

6. Administrator General to give security bond to E. I. Co. himself for 1 lac of Rupees and securities for 1 lac.

7. Administrator General to receive Commission of 3 per cent. on moneys actually distributed, or set apart and invested for parties entitled; and out of commission to pay expenses of establishment.

8. Commission or agency to be charged by no person as executor, &c., other than the Administrator General. Specific bequest in favor of executors not prohibited.

9. Assets to be kept by Administrator General in Treasury of E. I. Co., or as G. G. of I. in C. shall order, &c.

10. Administrator General to enter into books, accounts of each separate estate, &c., such books, &c., to be open to inspection, &c., on payment of fee, &c.

11. Administrator General twice a year, on specified days, to exhibit and deliver in open Court, a Schedule, showing gross amount received or paid by him on account of each estate and balances, &c., and list of all bonds, &c., and a list of administrators, &c., closed, &c. Schedules to be filed, &c., and published, &c.

12. G. G. in C. to appoint Auditors of accounts of A. G.

13. Auditors to examine Schedules and report to G. G. in C.

14. Auditors to have power to summon and examine A. G., and to call for books, &c, and A. G. to be punishable in like manner as for contempt of Court for refusing, &c.

15. Costs of preparing Schedules to be paid actually out of estates, after being ascertained by auditors, and allowed by G. G. in C.

16. Auditors to report specially to G. G. in C. if accounts appear not correct.

17. G. G. in C. to refer such report to Advocate General, who may proceed summarily, &c., for an account, &c., against A. G., &c., who shall be bound to answer, &c.

18. Costs of reference and examination and of Advocate General how to be defrayed.

19. Court on such summary proceeding may make same orders as upon bill filed.

20, 21, 22. A. G., if satisfied that effects of any British subject do not exceed 500 Rupees, may after three months and no letters taken out, grant certificate entitling claimants to receive small sums, but (21) A. G. not bound to grant such certificate unless satisfied by oath, &c., of claimant, and (22) such certificate to be a discharge for the person paying under it, &c.

23. A. G. not bound to take out Administration to estate in which he has granted certificate.

24. Fee of 3 Rupees per cent. payable for every certificate.

25. False swearing, &c., under this Act to be deemed perjury and punishable with fine and imprisonment, &c.

An Act for the appointment of an Administrator General in Bengal.

Whereas it is expedient to disconnect the administration of the Estates of British Subjects dying intestate in the Presidency of Fort William in Bengal from the Office of Ecclesiastical Registrar of the Supreme Court, and to appoint an Administrator General there, it is enacted as follows:

I. Whenever, after the passing of this Act, any British Subject shall die intestate, within the Presidency of Fort William in Bengal, or the Territories which are or shall be subordinate to the said Presidency, and on the return of the citation issued from the proper Ecclesiastical Court, no next of kin shall appear, and make out their claim to the Administration of the effects of the deceased, to the satisfaction of the said Court, and also, whenever the Executor or Executors, appointed by the Will of any British Subject dying therein, shall refuse to prove the Will, the Administrator General, created by this Act, shall, except in the case hereinafter

excepted, apply for, and the said Court shall grant to him, instead of the Ecclesiastical Registrar, such Letters of Administration or *ad colligenda bona* as to such Court shall seem meet; by virtue whereof the said Administrator General shall collect the assets of the deceased, and account for them as herein provided.

II. All Letters of Administration or *ad colligenda bona* granted to the Ecclesiastical Registrar of the Supreme Court,—and all Probates, granted to such Officer, of Wills, appointing the Ecclesiastical Registrar of the Supreme Court, by that description, or him and his successors, Executor thereof,—and all Estates, Effects, and Interests, vested in the said Ecclesiastical Registrar by virtue thereof; and all books, papers and documents belonging to him or in his possesssion, or under his control by virtue of such Letters or Probates, shall, by this Act, and without other grant, be transferred to the Administrator General by this Act created; who shall be to all intents and purposes, such Administrator, Executor, or Grantee, in his new character of Administrator General, as the Ecclesiastical Registrar of the Supreme Court was; and shall have all the same powers as the said Ecclesiastical Registrar might exercise at the time of the passing of this Act, as such Administrator, Executor, or Grantee.

III. The Ecclesiastical Registrar at the time of the passing of this Act shall be the first Administrator General, and upon the passing of this Act shall cease to be Ecclesiastical Registrar; and, as such Administrator General, shall be entitled to receive or retain all Commissions to which he was entitled as Ecclesiastical Registrar at the time of the passing of this Act, on any such grants as aforesaid.

IV. On all future vacancies of the Office, the Administrator General shall be appointed by the Governor General of India in Council.

V. After the passing of this Act, the Administrator General shall not be deemed, in that capacity, an Officer of the said Supreme Court, and shall not be otherwise accountable to it than any ordinary Executor, Administrator, or Grantee of letters *ad colligenda bona*, as the case may be.

VI. Every Administrator General shall give security by bond to the East India Company, himself for One Lac of Rupees, with two or more Sureties, jointly and severally, for another Lac of

Rupees, for the due execution of his said Office; and shall not be required by the said Supreme Court to enter into any Administration Bond, or to give other security to that Court on the grant of any such Letters as aforesaid.

VII. The Administrator General shall receive, for the discharge of his duties as such Administrator General, under all such grants of Letters as aforesaid made after the passing of this Act, or on Probates of Wills, so granted, after the passing of this Act, wherein he is named Executor, by virtue of his Office, instead of the commission heretofore received by the Ecclesiastical Registrar, a commission calculated after the rate of Three Rupees in every Hundred Rupees, which he shall actually distribute, or which he shall set apart and invest as herein provided, for the benefit of the parties ultimately entitled thereto, if the same are not immediately payable; and out of the said Commission of Three Rupees in the Hundred, shall defray the expenses of the necessary establishment, and all other charges, to which the said Office may be subject. [See Act II., 1850, as to the Commission of the Administrator General for Madras and Bombay.]

VIII. No person, other than the Administrator General, shall be entitled to charge any commission or agency, as executor of any Will, of which Probate shall have been granted in the said Presidency after the passing of this Act, or as Administrator of any Effects whereof Administration shall have been granted in the said Presidency after the passing of this Act; but this enactment is not to be deemed to hinder any Executor from having the benefit of any legacy bequeathed to him, either of a specific sum or residuary bequest, or by way of commission, or in any other manner.

IX. The Assets belonging to the Estates administered by the said Admininstrator General shall be kept by him in the Treasury of the East India Company, or otherwise kept and invested by him, in such manner as the Governor General of India in Council shall from time to time order, which order shall be published in the "Calcutta Gazette," and shall be full authority, protection, and indemnity in all Courts whatsoever for such keeping and investing.

X. The said Administrator General shall enter in books, to be kept by him for that purpose, separate and distinct accounts of

each Estate, and of all such sums of money, Bonds and other Securities for Money, Goods, Effects, and things, as shall come to his hands, or to the hands of any person employed by him, or in trust for him under this Act; and likewise of all payments made by him on account of the said Estates, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively; which said books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Court and others, as may have occasion to inspect the same, at office hours; paying only such reasonable fee as may be, from time to time, fixed, therefore, by the Governor General of India in Council, and published in the "Calcutta Gazette."

XI. The Administrator General shall twice in every year, that is, on the First day of March and on the Tenth day of August, or on the first day on which the said Court shall be sitting after those days, exhibit and deliver, in open Court, a true Schedule, showing the gross amount of all sums of Money received or paid by him, on account of each Estate in his charge, and the balances, during the period of six months ending severally on the Thirty-first day of December and Thirtieth day of June next before the day of delivering such Schedule; and a true list of all Bonds or other Securities received on account of each of the said Estates during the same period; and also a true Schedule of all Administrations whereof the final balances shall have been paid over to the persons entitled to the same, during the same period,—specifying the amount of such balances, and the persons to whom paid; which Schedules shall be filed of record in the said Court, and shall, within fourteen days afterwards, be published in the "Calcutta Gazette" by the said Administrator General: and copies thereof in triplicate shall be delivered to the Secretary of the said Presidency, and sent by the Governor of the said Presidency to the Court of Directors of the East India Company for publication in the "Calcutta Gazette."

XII. The Governor General of India in Council shall, from time to time, appoint an Auditor or Auditors to examine the Accounts of the Administrator General at the time of the delivery of the said Schedules, and also at any other time when the Governor General of India in Council shall think fit.

XIII. The Auditor or Auditors shall examine the Schedules and accounts, and report to the said Governor General of India in Council whether they contain a full and true account of every thing which ought to be inserted therein, and whether the Books, by this Act directed to be kept by the Administrator General, are duly and regularly kept, and whether the Assets are duly kept and invested in such manner as is by law prescribed.

XIV. Every Auditor shall have power to summon as well the Administrator General as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General or other party or parties if he shall think fit, on oath or solemn affirmation to be by him administered; and to call for all Books, Papers, and Documents which may appear to him to be necessary for the purposes of the said reference: and if the Administrator General or other person or persons when summoned, shall refuse, or without reasonable cause neglect to attend, or to produce any Books, Papers, or Documents required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the Supreme Court of Judicature at Fort William in Bengal; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said Supreme Court.

XV. The costs and expenses of preparing and publishing the said Schedules and copies thereof, and of every such reference and examination, shall be defrayed proportionably by all the Estates, the accounts of which are then under examination, which costs and proportions shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Governor General of India in Council, and shall be paid out of the said Estates accordingly by the Adminstrator General.

XVI. If upon any such reference and examination, the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein, or which ought to be therein contained, he or they shall report accordingly to the Governor General of India in Council, specifying the substance of the objections thereto.

XVII. The Governor General of India in Council shall refer every such report, as last aforesaid, to the consideration of the Advocate General of the East India Company in Bengal, who shall thereupon, if he shall think fit, proceed summarily, by petition, for an account against the said Administrator General, or against the late Administrator General, after his removal from office, or against his personal representatives in case of his death, in respect of all or any of the Estates then or formerly under his care, as the said Advocate General shall think fit; and shall have power to exhibit interrogatories to the said Administrator General, or other person or persons defendants, who shall be bound to answer the same as fully as if the same had been contained in a Bill filed for the like purpose; and the Court shall have power, on any such petition filed, to examine orally the parties before it and all witnesses, or to refer the accounts to be taken in the ordinary way.

XVIII. The costs of the reference and examination and those of the Advocate General, when such are directed to be paid, shall be defrayed either by the defendant or defendants, in case he or they shall be decreed to pay the costs, or out of the estates rateably as the said Court shall direct; and whenever the costs of any reference and examination shall be recovered from the defendant or defendants, the same shall be repaid to the Estates by which the same were in the first instance contributed, and the Court shall have power to order the Administrator General, or other person or persons defendants, to receive his or her costs out of the said Estates if it shall think fit.

XIX. The said Court shall have power on such petition to make such original and subsequent orders as upon a bill filed; and such Orders shall have the same effect, and be executed in the same manner as Decretal Orders.

XX. Whenever any British subject shall die within the said Presidency intestate, and Letters of Administration to his or her Effects shall not be taken out for three months after the death, and the Administrator General shall be satisfied that such Effects do not exceed in the whole Five Hundred Rupees, he may, if he shall think fit, grant,—to any person claiming to be entitled to a principal share of the Effects of the deceased,—Certificates under his hand entitling the claimant to receive the sums or securities

for money therein severally mentioned belonging to the Effects of the deceased, to the value of any sum not exceeding in the whole Five Hundred Rupees.

XXI. The Administrator General shall not be bound to grant any such Certificates, unless he is satisfied of the title of claimant, and of the value of the effects of the deceased, either by the oath or affidavit of the claimant, or by such other evidence as he shall require.

XXII. Any such Certificate, with a receipt annexed, under the hand of the person to whom the Certificate is granted, shall be a full receipt and discharge for payment or delivery to him or her of the money or security for money therein mentioned, with respect to the claim of any other person, upon the person paying or delivering the same; but any next of kin or representative, or creditor of the deceased, shall have remedy for recovery thereof against the person receiving the same.

XXIII. The Administrator General shall not be bound to take out Letters of Administration to the effects of any deceased person on account of whose Estate he shall grant any such Certificate, but may do so, if he shall discover any fraud or misrepresentation made to him, or that the value of the Estate exceeded Five Hundred Rupees.

XXIV. For every such Certificate the Administrator General shall be entitled to charge a fee calculated after the rate of Three Rupees in the Hundred on the amount mentioned in the Certificate.

XXV. Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorised by this Act, shall be deemed guilty of perjury, and if convicted thereof, shall be liable to fine and imprisonment, or to fine or imprisonment, which imprisonment may be at the discretion of the Court, with or without hard labor, and may extend to two years.

Amended and Extended to Madras and Bombay by Act II., 1850, s. 4. Repealed by Act VIII., 1855, s. 6, as to the future. And by Act XXIV., 1867, the previous Acts are repealed, and the office of Administrator General is re-constituted.

MADRAS.—POLICE MAGISTRATES.

ACT No. VIII. OF 1849.

[*Passed on the* 12*th May*, 1849.

Recites expediency of applying Acts 21, of 1839, and 3, of 1842, to Madras.

1, 2. Enacts, Police Magistrates of Madras to have same powers as Justices of Calcutta under recited Acts for trial, &c., of simple larcencies, &c., and (2) those Acts to be read as if Police Magistrate for Madras, &c., were expressly mentioned instead of Calcutta, &c.

An Act for assimilating the Penal Jurisdiction of Police Magistrates at Madras to that of Justices of the Peace at Calcutta.

Repealed by Act XIII., 1856.

MADRAS.—POLICE MAGISTRATES.

ACT No. IX. OF 1849.

[*Passed on the* 12*th May*, 1849.

Recites expediency of applying Acts IV. of 1835; I. of 1837; and XXXII. of 1838; to Presidency of Madras.

1. Powers now exercised by 2 Justices, &c., may be exercised by one, &c.

2. One Justice in Madras Presidency may issue warrant under 33 G. 3, c. 52.

An Act for enabling one Police Magistrate to exercise in certain cases the powers of two Justices in the Presidency of Fort St. George.

Whereas it is expedient to apply the provisions of the Acts No. IV., 1835, No. I., 1837, and No. XXXII., 1838, to the Presidency of Madras, it is enacted as follows:

I. All powers whatever in Criminal cases, which by virtue of any law now in force may be exercised by two Justices of the Peace, or by two Police Magistrates within the Presidency of Fort St. George and places subordinate thereto, may be exercised by one Justice of the Peace, appointed to be a Police Magistrate within the said Presidency.

II. Any one Justice of the Peace, appointed to be a Police Magistrate within the said Presidency, may issue a warrant of distress for the recovery of Arrears of Assessment accruing

under the Act of Parliament XXXIII., Geo. III., Cap 52; and every such warrant shall have the same force as if it were under the hands and seals of two Justices.

MADRAS.—BOARD OF REVENUE.

Act No. X. of 1849.

[*Passed on the 26th May,* 1849.

Recites expediency of empowering G. to depute one Member of Board of Revenue to perform duties of Board in any districts, &c.

1. Enacts, G. in C. of Fort St. George may depute Member of Revenue Board to perform in any district, duties of Board collectively.

2, 3. Empowers Commissioner so deputed to exercise all powers mentioned in Commission, (3) Commission to be published in Gazette.

4. Correspondence, &c., under Commission to be deposited with and deemed records of Board of Revenue.

An Act for appointing a Commissioner of Revenue at Madras.

Whereas it is expedient that the Governor of Fort St. George in Council should be empowered to depute a Member of the Board of Revenue, to perform in any of the Districts of that Presidency all or any of the duties which, by the General Regulations and Laws of the Presidency, belong to the Board of Revenue collectively, it is enacted as follows:

I. The Governor of Fort St. George in Council may, from time to time, whenever he shall see fit, depute a Member of the Board of Revenue to perform alone, in any of the Districts of that Presidency, all or any of the duties which, by the General Regulations and Laws of the Presidency, belong to the Board of Revenue collectively.

II. When a special Commission shall be given to a Member of the Board of Revenue under this Act, the Member of the Board named therein shall by virtue thereof be empowered to exercise, within the limits of his Commission, all the powers and duties which by Law are vested in the Board of Revenue collectively, without exception, or subject to any exceptions or restrictions, which shall be prescribed in such Commission; and all Regulations and Acts concerning the Board of Revenue shall be deemed to apply to the said Commissioner within the limits of

his Commission, and with regard to all things concerning the Revenue of the Districts included in it, so far as is necessary to give full effect to his Commission and to this Act.

III. Every such Commission shall be published in the Fort St. George Gazette, and the Commissioner shall enter on his Office from the date of such publication; and in like manner the revocation or other determination of any such Commission shall be published in the Fort St. George Gazette.

IV. The Correspondence and other documents belonging to any such Commission shall be deposited on the determination thereof, in the Office of the Board of Revenue, and shall be deemed records of the said Board.

CALCUTTA.—ABKAREE REVENUE.

ACT No. XI., OF 1849.

[*Passed on the* 11*th August*, 1849.

1. Repeals Act 1, 1842; Act 26, 1845; S. 26, R. 2, 1802 of Bengal Code; and part of 33 G. 3, c. 52, S. 159.

2. Excise from retail sale of spirits, &c., in Calcutta to be under charge of Collector, and Collector under control of Commissioner, &c.

3. Collector empowered to appoint Constables, &c., who shall also be styled "Abkaree Officers."

4. Person selling spirits, &c., by retail without license, liable to a fine; but not wholesale dealers selling for samples.

5, 6. Sale of Beer, &c., in not exceeding 2 gallons, or Arrack, &c., in not exceeding 1 seer, or of Tauree in not exceeding 4 seers, or Ganjah or Bhang, in not exceeding a quarter of a seer, or of Churrus, Opium, Chundoo or Muddut, or any preparation of same, &c., in not exceeding 5 tolas, shall be deemed a retail sale; and (6) sale of certain of said articles in larger quantities prohibited, and subject to penalty, except spirits, &c., imported under passes, &c.

7. Board of Customs empowered to regulate form of license.

8. Person taking out licence to execute counterpart.

9. Tax for license to be fixed by Board of Customs, and made payable in advance.

10. Collector empowered to withhold or recal license, if tax not paid, or in case of breach of conditions, or for other cause with Commissioner's sanction, &c.

11. License may be surrendered on 15 days' notice.

12. Justices not to grant license for Hotel, &c., to person who has not taken out license; and Justice's license to be void, if excise license recalled, &c.

13. Collector may levy tax after demand, &c., by distress and sale, &c.

14. Breach of conditions of license punishable by fine, and dealer punishable for default, &c., of Servant.

15, 16. Person, not being licensed dealer, having in possession, &c., any greater quantity of Spirits, &c., except English Beer, &c., not protected by a pass, &c., liable to a fine not exceeding 500 rupees, except in case of Opium, and in case of Opium at the rate of 16 rupees per seer, and (16) all such spirits, &c., and the vessels, &c., containing them to be confiscated.

17. Any Abkaree officer above rank of peon may enter and inspect, by day and night, and any officer by day, house of licensed dealer.

18. License to be kept at house, &c., licensed, and shown on demand to Officer.

19. Abkaree officer may stop and detain person carrying spirits, &c., without a pass, &c.

20. Collector having good reason to believe, from information, &c., that spirits, &c., liable to confiscation are kept, &c., may empower Abkaree Officer, &c., to enter, &c., and seize, &c., such liquor, &c., and in case of resistance to break open doors, &c., and arrest, &c., owners, &c., but in entering Zenana to follow same rules as prescribed by Supreme Court.

21. Constables, &c., to assist Abkaree officers.

22, 25. Abkaree officer making arrest or seizure, or entering a house, to make a report, &c., to Collector, &c., within 24 hours, and Collector may release or send to Justice of the Peace, and (25) officer delaying beyond the time to be liable to fine.

23. Person given false information against another under Abkaree Act to be liable to fine, &c., or imprisonment.

24. Person obstructing Abkaree officer, &c., liable to fine, &c., and if affray, &c, happen, liable further to prosecution for the same.

25. See supra.

26, 27, 28. Officer vexatiously, and unnecessarily making seizure or arrest, or (27) unlawfully releasing, &c., any person, or conniving at illicit sale, &c., or (28) taking or asking gratuity not authorized for corrupt specified consideration, to be liable to a fine, &c.

29. Cause of seizure to be tried upon information by Justice in summary way, and if confiscation adjudged, warrant for sale to issue to Collector.

30. In case of seizure and no claimant appearing within one month, Justice to examine, &c., and give judgment of confiscation, &c.

31. Fines under this Act except under S. 38, to be adjudged by J. P. Justice to summon party, and how to proceed; no proceedings to be taken more than 3 months after offence committed.

32. Conviction for second offence to be punished, in addition to ordinary punishment, with imprisonment, &c., and for third and subsequent offence rateably increased imprisonment.

33. Half of all fines upon conviction of illicit possession, &c., of spirits, &c., and of proceeds of sale of confiscated articles, &c., except Opium, &c., to be

given to Informer; and Board may grant reasonable reward when no fine is realized, and direct what Abkaree officers shall receive rewards and what not.

34. Fines to belong to Government: but Board may grant rewards out of them.

35, 36. No writ of Certiorari to lie against proceedings under this Act; but (36) Commissioner may call for proceedings and give relief.

37. Actions, &c., for any thing done under Act to be brought within 3 months after fact, with one month's notice before action: and amends tendered to bar action, and may be paid into Court.

38. Collector empowered to punish contempt, &c., by fine, and imprisonment if not paid, subject to appeal to Commissioner, &c.,

For securing the Abkaree Revenue of Calcutta.

For better securing the Abkaree Revenue of Calcutta it is enacted as follows:

I. Act I., 1842, Act XXVI., 1845, Section 26, Regulation II., 1802, of the Bengal Code, and so much of Clause CLIX. of an Act of Parliament, numbered Chapter LII. of the Statutes passed in the Thirty-third Year of the reign of King George the Third, as relates to the sale of Arrack or other Spirituous Liquors, within the Town of Calcutta, and to the punishment of unlicensed Traders in Spirit or Spirituous Liquors, within the said Town, are repealed.

II. The collection of the Revenue arising from the retail sale of Spirituous or Fermented Liquors and intoxicating drugs, within the Town of Calcutta, shall be under the charge of the Collector of Calcutta, who shall perform the duties connected therewith under the control of the Commissioner of Abkaree and the Board of Customs, Salt and Opium; and all proceedings of the Collector held under this Act shall be subject, with or without appeal, to their revision.

III. The Collector may appoint Constables, Darogahs, Jemadahs, Burkundauzes, and other Officers, for collection of the said Revenue and prevention of Smuggling; and the Officers so appointed, beside their ordinary respective designations, shall be styled "Abkaree Officers."

IV. Every person who shall sell, by retail, any Spirituous or Fermented Liquors or intoxicating drugs, hereinafter specified, within the Town of Calcutta, without a license for that purpose, under the hand and seal of the Collector of Calcutta, shall be liable to a fine, not exceeding five hundred Rupees, for each sale;

but this enactment shall not apply to wholesale dealers selling such small quantities of Beer, Wines, or Spirits, as may appear to the Collector to be intended only as samples.

V. A sale of English or Foreign Beer, Wines, or Spirits, in any quantity, not exceeding two gallons, or of Bengal Arrack or Rum or other country spirit, in any quantity not exceeding one seer, or of Tauree in any quantity not exceeding four seers, or of Ganjah or Bhang, or any preparation or admixture of the same, in any quantity not exceeding one quarter of a seer, or of Churrus, Opium, Chundoo, or Muddut, or any preparation or admixture of the same, in any quantity not exceeding the weight of five tolas, shall be deemed a retail sale within the meaning of this Act.

VI. The sale of Bengal Arrack or Rum, or other country Spirit, or of Tauree, or of Ganjah, or Bhang, or any preparation or admixture of the same, or of Churrus, Opium, Chundoo, or Muddut, or any preparation or admixture of the same, in quantities larger than those specified for each Article in Section V. of this Act, is prohibited; and every person, who shall act in breach of this prohibition, shall be liable to the fine prescribed in Section XV., for the illicit possession of these Articles: but this prohibition does not apply to the sale of Spirituous or Fermented Liquors and intoxicating drugs, imported into Calcutta under passes from the Collector, or other Officer duly empowered in that behalf, and supplied by wholesale to licensed retail Dealers, or to the sale of Bengal Rum under bond for exportation by Sea, or to the sale of Opium intended for exportation by Sea, and covered by a Certificate to that effect, issued under the authority of the Board of Customs, Salt, and Opium.

VII. The Board of Customs, Salt, and Opium shall have authority, at all times, to regulate the form of licenses to be granted under this Act, and to alter and add to the conditions thereof.

VIII. Every person taking out a license for the retail sale of Spirituous or Fermented Liquors, or intoxicating drugs under this Act, shall execute a counterpart engagement in exact conformity with the tenor of such license.

IX. Whenever a license shall be granted under this Act, the Collector shall be authorised to demand, in consideration of the privilege granted, such fee, tax, or duty as may, from time

to time, be fixed, with the sanction of the Board of Customs, Salt and Opium; and such fee, tax, or duty, may be made payable in advance, or at such period as may be settled by the Collector.

X. The Collector may withhold or recal a license, if any such fee, tax, or duty be not duly paid according to the conditions upon which the license is granted, or in case of a breach of any of the other conditions thereof; or with the sanction of the Commisioner of Abkaree, for any other cause, giving one month's notice of such withdrawal; and any person selling, by retail, any Spirituous or Fermented Liquors, or intoxicating drugs above specified, within the Town of Calcutta, whilst such license is withheld or after it is recalled, shall be subject to all the penalties provided by this Act for the unlicensed sale of Spirituous or Fermented Liquors or intoxicating drugs.

XI. Any licensed retail Dealer may surrender his license, on giving fifteen day's previous notice to the Collector, and paying a sum equal to the tax for that time, over and above the sum payable under the license.

XII. Repealed by Act XIII., 1856.

XIII. The Collector, after demand made in writing, may levy any arrear of tax or duty, due on account of any license granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due; provided that no such arrear shall be recoverable after the end of two years next after the same shall have become due, or next after an acknowledgment of the same in writing shall have been given by the person by whom the same is payable.

XIV. A breach of any of the conditions of a license granted under this Act shall, besides entailing forfeiture of the license, be punishable by a fine not exceeding fifty Rupees; and such fine shall be recoverable from the licensed Dealer, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop.

XV. Any person, not being a licensed Dealer, having in his possession, and any person carrying within the Town of Calcutta any greater quantity of spirituous or fermented liquors or intoxicating drugs above specified, or any preparation or admixture of

the same, except English and Foreign Beer, Wines and Spirits, than the quantity specified for each Article in Section V. of this Act, and not being protected by a pass or permit from the Collector, or other Officer duly empowered in that behalf, shall be liable to a fine not exceeding five hundred Rupees, except in the case of Opium; and in the case of Opium, to a fine not exceeding the rate of sixteen Rupees for each seer found in the possession of, or carried by such person; and if such last-mentioned fine shall not amount to five hundred Rupees, such person shall be liable to a further fine, not exceeding such sum as shall make the total fine imposed amount to five hundred Rupees.

XVI. Beside the penalties above specified for the illicit sale, possession, and carrying of spirituous or fermented liquors or intoxicating drugs, all such liquors and drugs found in the possession of any offender against this Act, shall be seized and confiscated; and the vessels, packages, and covering, in which such liquours and drugs are found, and the animals and conveyances used in carrying them, shall also be liable to seizure and confiscation.

XVII. Any Abkaree Officer above the rank of a peon or chuprassy may enter and inspect at any time, by day or by night, and any Abkaree Officer may enter and inspected by day, the house or shop in which any licensed Dealer shall carry on the sale of spirituous or fermented liquors, or intoxicating drugs.

XVIII. Every person holding a license for the sale of spirituous or fermented liquors or intoxicating drugs shall keep such license at the house or shop specified in the license, and shall show the license on the demand of any Abkaree Officer who shall desire to see the same; and any licensed Dealer, who shall refuse or be unable to produce his license, on the demand of any Abkaree Officer, shall be liable to a fine not exceeding two hundred Rupees.

XIX. Any Abkaree Officer may stop and detain any person carrying any spirituous or fermented liquors or intoxicating drugs, without a pass, or otherwise liable to confiscation under this Act, and may seize the liquors or drugs, with the vessels, packages, and coverings in which the liquors or drugs are found, and the animals and conveyances used in carrying them. [Amended by Act III., 1856.]

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XX. If the Collector has good reason to believe, either from information given by any Abkaree Officer or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that any spirituous or fermented liquors or intoxicating drugs, liable to confiscation under this Act, are kept or concealed in any place, the Collector, by warrant under his hand, may empower any Abkaree Officer, above the rank of jemadar of Peons, between sunrise and sunset, but always in the presence of a Constable or other Officer of the peace, to enter into every such place, where any such liquors or drugs are suspected to be kept or concealed, and to seize and carry away such liquors or drugs, and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure, or removal as aforesaid; and to arrest and detain the owner or occupier of the premises, with all parties whom he suspects to be concerned in the unlawful keeping or concealing of such liquors or drugs, whom he shall find on the premises: provided that, where there is ground to suspect that such liquors or drugs are unlawfully concealed in any Zenana, the Officer charged with the execution of the warrant shall follow, as closely as may be, the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XXI. All Constables, and other Ministerial Officers of the Peace, are required to help the Abkaree Officers in the due execution of this Act, upon notice given, or request made by any such Abkaree Officer; and any Officer who, without lawful excuse, shall refuse or neglect to assist as aforesaid, on being required to do so, shall be liable to the penalty prescribed by Section XXVII. of this Act for Abkaree Officers conniving at the escape of a person arrested under this Act.

XXII. Whenever any Abkaree Officer, duly authorized under this Act, shall arrest any person, or shall seize any spirituous or fermented liquors or intoxicating drugs, or shall enter any house or shop for the purpose of searching for such illicit Articles, he shall carry the person arrested, with the illicit Articles seized, with all convenient despatch, to the Collector, and shall, within twenty-four hours thereafter, make a full report to the Collector of all particulars of such arrest, seizure, or search; and the Collector, after such further enquiry as he deems necessary, shall

forthwith either release the person arrested, or send him in custody to a Justice of the Peace for the Town of Calcutta.

XXIII. Every person, who shall maliciously give false information against any person, for being engaged in the unlicensed sale of spirituous or fermented liquors, or intoxicating drugs, or for having in his possession, or carrying, or in respect of there being in any house or shop any spirituous or fermented liquors, or intoxicating drugs, in contravention of this Act, shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment in the Common Gaol, for a period not exceeding six months, or to both.

XXIV. Every person who shall obstruct or molest any Abkaree Officer, or any person acting in aid of such Officer, in the due execution of this Act, shall be liable to a fine, not exceeding five hundred Rupees; and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XXV. Any Abkaree Officer, who shall delay carrying to the Collector any person arrested, or any illicit articles seized under this Act, or who shall neglect to report the particulars of an arrest, seizure, or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding two hundred Rupees.

XXVI. Any Abkaree Officer, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for illicit spirituous or fermented liquors, or intoxicating drugs, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding five hundred Rupees.

XXVII. Any officer employed in the Akbaree Department, who shall unlawfully release or connive at the escape of any person arrested under this Act, or connive at the sale of spirituous or fermented liquors, or intoxicating drugs, without license, or by any licensed dealer, contrary to the terms of such license, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do anything whereby any of the pro-

visions of this Act may be evaded or broken, or the Abkaree Revenue defrauded, shall be liable to a fine, not exceeding five hundred Rupees.

XXVIII. Any Abkaree Officer who shall ask or take any gratuity, not authorised by any Law or Order of Government, or of the Board of Customs, Salt, and Opium, in consideration of doing, or of omitting to do any act in his official capacity, and any person who shall offer a bribe to any such Officer, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine, not exceeding five hundred Rupees.

XXIX. Whenever any goods or chattels shall be seized by an Abkaree Officer, as liable to confiscation under this Act, such seizure shall, upon information, exhibited by order of the Collector, be heard and determined in a summary way, by any Justice of the Peace for the Town of Calcutta; and such Justice shall cause the persons to whom such goods and chattels belong to be summoned to appear before him, and upon their appearance or default shall examine into the cause of the seizure thereof, and give judgment; and if such judgment shall be for confiscation of the goods or chattels seized, shall issue his warrant to the Collector for the sale or disposal thereof, according to such orders as the Collector may receive from the Board of Customs, Salt, and Opium.

XXX. Whenever any goods or chattels shall be seized as aforesaid, and within one Calendar Month no person shall appear before the Collector to claim the same, the Justice shall examine into the cause of seizure, at a place and time, of which notice shall have been given by the Collector in the "Galcutta Gazette," and give judgment for the confiscation of such of the goods and chattels, as, upon such examination, shall appear to him liable to forfeiture; and, upon confiscation thereof, shall issue his warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXXI. All fines leviable under this Act, except under Section XXXVIII., shall be adjudged by any Justice of the Peace for the Town of Calcutta, and the said Justice, upon information exhibited before him by order of the Collector, shall forthwith summon the parties accused, and upon their appearance or default

shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the Common Gaol, for a period not exceeding six months, or until the fine is sooner paid; and no proceedings shall be taken under this Section by any Justice of the Peace after the expiration of three calendar months from the date of the offence by which the fine was incurred.

XXXII. Whenever any person shall be convicted before any such Justice as aforesaid of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Gaol, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXXIII. One-half of all fines levied from persons convicted of the illicit possession, carrying, or sale of spirituous or fermented liquors, or intoxicating drugs, and of the proceeds from sale of articles confiscated, except Opium (and in the case of Opium confiscated and declared by the Opium Examiner at the Presidency to be fit for use, a reward of one Rupee eight Annas for each seer), shall upon adjudication of the case, be awarded to the Officer or Officers who apprehended the offender, or seized the illicit articles, and the other half, or in the case of Opium as aforesaid, a reward of one Rupee eight Annas for each seer, shall be given to the Informer; and, if no fine is realized, the Board of Customs, Salt, and Opium may grant such reasonable reward, not exceeding the sum of two hundred Rupees as may appear to them fit: and the Board of Customs, Salt, and Opium may direct, by General Order, what class of Abkaree Officers shall receive rewards, and what classes shall have no title to share therein.

XXXIV. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government;

but the Board of Customs, Salt, and Opium may grant any portion thereof, not exceeding one-half, as rewards to Informers or as compensation to parties injured by any proceedings under this Act.

XXXV. No Writ of *Certiorari* shall be issued at the suit of any party out of the Supreme Court of Judicature, to supersede, stay, remove or in any wise affect any information or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXXVI. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Commissioner of Abkaree, and, in his absence, the Board of Customs, Salt, and Opium, within one month after judgment given, may call for the proceedings of the case (with which requisition the Justice of the Peace shall be bound to comply) and, if he or they shall see cause, may direct that the seizure, or any part thereof, be restored, and may remit or mitigate any penalty, and discharge the party.

XXXVII. All actions and prosecutions to be commenced against the Collector or any Abkaree Officer, or any person acting in aid of any such Officer, for anything done in pursuance of this Act, shall be commenced within three Calendar months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the Defendant one Calendar month at least before the commencement of the action; and no Plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if, after action brought, a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

XXXVIII. The Collector, in respect of the duties to be performed by him under this Act, shall have power to punish any contempt committed in his presence in open Cutcherry, by fine, not exceeding two hundred Rupees, commutable, if not paid, to imprisonment in the Common Gaol, for a period not exceeding one month: provided, that an appeal from any order passed under this section shall lie to the Commissioner of Abkaree, and in his absence, to the Board of Customs, Salt, and Opium;

and the decision of the Commissioner of Board thereon shall be final.

Amended by Act III., 1856, as respects Powers of Commissioner. And by Act XVIII., 1856, Collectors authorised to employ Deputy.

BOMBAY.—SUDDER ADAWLUT.

Act No. XII. of 1849.

[*Passed on the* 11*th August*, 1849.

Recites that the jurisdiction of the S. A. had been impaired by its removal to the Island of Bombay, &c.,

1. S. A. and officers to have same authority in all respects, &c., as if Court were held in Zillah, out of Island of Bombay.

2. Acts and orders of S. A. and of its officers in execution of process, &c, not liable to question in Supreme Court otherwise than if situated out of island of Bombay.

3. Criminal Court having cognizance of offence under S. 36, of R. 2, 1827, may issue warrant, &c.

4. Offenders against S. 36, R 2, 1827, may be tried after they have ceased to be officers.

For improving the jurisdiction of the Sudder Adawlut of Bombay, and for amending Section XXXVI., Regulation II., 1827, of the Bombay Code.

Whereas the jurisdiction of the Sudder Adawlut of the Presidency of Bombay has been impaired by its removal to the Island of Bombay, within the jurisdiction of the Supreme Court of Judicature there, for remedy thereof it is enacted as follows:

I. The Sudder Adawlut of the Presidency of Bombay, and the several Officers thereof shall have the same authority in all respects, and all persons may be proceeded against and punished for contempt or disobedience of the lawful orders of the Court. or for resistance to the lawful authority of any Officer in execution of any process or order of the Court, as if the Court were held in the Zillah nearest to the Island of Bombay.

II. The Acts and Orders of the said Sudder Adawlut, and of its Officers, in execution of any process or order of the Court, shall not be liable to question in the Supreme Court of Judicature

at Bombay, further or otherwise than they might severally be questioned in the said Supreme Court, if the said Sudder Adawlut were held in the Zillah nearest to the Island of Bombay.

III. Any Criminal Court, having cognizance of any offence under Section XXXVI., Regulation II., 1827, of the Bombay Code, may issue a warrant under the hand of the Judge, or one of the Judges, and the seal of the Court, for the arrest of the person accused, and may commit him to gaol, unless security be given to the satisfaction of the Court for his appearance to answer the charge.

IV. Offenders against Section XXXVI., Regulation II., 1827, of the Bombay Code, may be tried and punished for the offence after they have ceased to belong to the establishment of the Court to which they belonged at the time of committing the offence.

CALCUTTA.—SALT SMUGGLING.

ACT No. XIII. OF 1849.

[*Passed on the* 18*th August*, 1849.

1. G. of B. may establish Chokies for prevention of smuggling salt into Calcutta, &c., such chokies to be under officer, to be styled "The Superintendent of Salt Chokies," and to be subject to Board, &c.

2. Superintendent may appoint Darogahs, &c., to assist him, and to be styled "Officers of Salt Chokies."

3. Except foreign salt, &c, no greater quantity than 10 seers to be imported, or carried, or stored, within the town, except under a rowannah, &c.

4. Salt found within the town, &c., in contravention of this Act, liable to seizure, &c., and more than 10 seers carried by several persons, in gangs or companies carrying, to be deemed contraband, but less than a maund in store not to be deemed contraband, &c.

5. Carrying within the town, under a rowannah, &c., a quantity greater by one-fortieth than specified in the rowannah; the whole to be deemed contraband, and liable to seizure, and person in charge to be fined at rate of 10 rupees per maund for excess.

6. Ss. 36 to 47, of R. 10, 1819, and R. 4, 1832, respecting rowannahs, to be applicable within Calcutta, &c.

7. Vessels, &c., containing contraband salt liable to confiscation with the salt.

8. Persons having in their possession contraband salt liable to fine, &c.

9. Superintendent of salt chokies, &c, may stop and detain person carrying salt without a rowannah.

10 Superintendent may enter any place to seize salt exceeding one maund suspected to be contraband, and break open doors, and arrest and detain owner, or may empower officer to do so, and in entering Zenana to follow like rules as Supreme Court.

11. Constables, &c, to aid Superintendent and Salt Officers, and refusing to do so, to be liable to fine.

12 Seizures by Superintendent to be recorded in his office, and seizures by his subordinates to be reported to him.

13. Person giving false information against another for contravention of salt laws, liable to fine, &c.

14. Person obstructing, &c., Superintendent, &c., in execution of this Act, liable to fine, &c., and if affray, &c., happens, liable to further punishment for it.

15. Officer empowered to seize, &c., delaying any duty in that behalf liable to fine, &c.

16. Officer vexatiously and unnecessarily making seizure or arrest, liable to fine, &c

17. Officer conniving at smuggling, or releasing, &c., prisoner, or acting contrary to his duty, whereby law is evaded, liable to fine, &c.

18. Officer asking or taking gratuity, &c, not authorized, for corrupt consideration, liable to fine.

19. Superintendent to carry person, &c., arrested and seized, before Justice, and officers to Superintendent: Superintendent may release from improper arrest or seizure.

20. Cases of salt seizure to be heard summarily before Justice. Justice to proceed by summons and warrant.

21. Salt, &c, seized, not claimed within one month may be confiscated by Justice, after notice, &c.

22. Fines leviable under this Act to be recovered upon information before Justice, but not after 3 months: Justice how to proceed, by summons, &c.

23. Person convicted before Justice of second or third, &c., offence, to suffer 6 months' imprisonment, in addition to other penalty.

24. Half of all fines for smuggling, &c., and of proceeds of sales of confiscated articles, shall be awarded to officer; other half to informer, and where no fine, reward may be granted by Board, &c. Board may direct what classes of officers shall and what not share in rewards

25. Fines not disposed of by this Act to belong to Government, but Board may grant rewards, &c, out of them.

26. No writ of *Certiorari* to lie to stay, &c, proceedings.

27. If penalty or confiscation is adjudged by Justice, Board may call for proceedings, and give relief against them, &c.

28. Actions against Superintendent, &c., not to lie more than 3 months after fact committed, nor without notice one month before action, and tender of sufficient amends to bar action, and payment into Court to bar further proceedings.

29. Term "alimentary salt," to include Noonchye, Puckwah, &c.

To prevent the smuggling of Salt into Calcutta.

For preventing the smuggling of Salt into Calcutta, it is enacted as follows:

I. The Governor of Bengal may establish as many Chokies as he shall deem necessary for preventing the smuggling of alimentary Salt into the Town of Calcutta, and upon that part of the River Hooghly which lies within the local jurisdiction of the Supreme Court, and such Chokies shall be under the charge of an Officer to be styled "the Superintendent of Salt Chokies," who, in the exercise of his functions, shall be subject to the control of the Board of Customs, Salt, and Opium.

II. The Superintendent may appoint Darogahs, Mohurrers, Jemadars, Burkundauzes, and other Officers to assist him in the discharge of his duties; and the Officers so appointed, besides their ordinary respective designations, shall be styled "Officers of Salt Chokies."

III. Excepting Salt imported by sea, and stored under bond, as provided by Act No. XXV., 1836, it shall not be lawful to import alimentary Salt into the Town of Calcutta, or to carry such Salt within the said Town, or upon the River Hooghly, as aforesaid, in excess of the quantity of ten seers, of eighty tolas to the seer, or to store such Salt within the said Town in quantities exceeding one maund, except under a Rowannah, or Special Pass from the Board of Customs, Salt, and Opium, or a Charchittee, or Pass from the said Superintendent, to be granted under such rules, and on payment of such fees, as the said Board shall direct.

IV. All alimentary Salt, found within the said Town, or upon the River Hooghly, as aforesaid, in contravention of this Act, shall be deemed contraband, and liable to seizure and confiscation; and if several persons shall he found carrying Salt, unprotected by a Rowannah, or Charchittee, as aforesaid, in gangs, or companies, which Salt shall exceed in the whole quantity ten seers such Salt shall be deemed contrabrand; but no Salt, found in store in any house or warehouse, shall be deemed to be contraband, unless, when the search is made, there shall be found more thereof than one maund, and the owner or person in charge shall be unable to account satisfactorily, for the manner of its being found in his possession.

V. If any person shall carry, or attempt to carry, within the

said Town or upon the River Hooghly, as aforesaid, under a Rowannah, or Charchittee, a greater quantity of Salt than shall be therein specified, excess shall be deemed contraband, and if such excess is found to be more than one-fortieth part of the quantity so specified, the whole quantity shall be deemed contraband, and liable to seizure and confiscation; and the gomastah, or other person in charge of the Salt, shall be liable to a fine of ten Rupees for every maund of Salt, in excess of the quantity specified in the said document. And the excess shall be calculated upon the whole despatch as provided in Section II., Regulation IV., 1832, of the Bengal Code.

VI. The provisions contained in Sections XXXVI. to XLVII., both inclusive, Regulation X., 1819, and in Regulation IV., 1832, of the Bengal Code, as to the preparation, currency, renewal, production, endorsement, delivering up, and falsifying of Rowannahs, or other protective documents, shall be applicable within Calcutta, and on the River Hooghly as aforesaid.

VII. Whenever any Salt shall be seized as contraband, the vessels, packages, and coverings in which such Salt shall be found, and the animals and conveyances used in carrying it, shall also be liable to seizure and confiscation.

VIII. All persons in whose possession contraband Salt shall be found, except in the case provided for by Section V. of this Act, shall be liable to a fine, calculated at a rate, not exceeding five Rupees for each maund, upon the quantity so found; and each one of a party of smugglers, or of the parties to the fraud on the Revenue, shall be liable to the whole fine.

IX. The Superintendent of Salt Chokies, and any of his Subordinate Officers, and any Officer of any other Department, whom the Governor of Bengal shall authorize in that behalf, may stop and detain any person removing or carrying any Salt without a Rowannah or Charchittee, or otherwise liable to confiscation under this Act; and may seize the Salt, with the vessels, packages and coverings, in which the Salt is found, and the animals and conveyances used in carrying it.

X. If the Superintendent has good reason to believe, either from information given by any of his Subordinate Officers or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that Con-

traband Salt, exceeding in quantity one maund, is stored in any place, it shall be lawful for him, between sunrise and sunset, but always in the presence of a Constable, or other Officer of the Peace, to enter into every such place where any such Contraband Salt as aforesaid, is suspected to be stored, and to seize and carry away the same; and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupant of the premises, with all parties whom he suspects to be concerned in the unlawful storing whom he shall find on the premises: and if the Superintendent shall not be able to proceed in person to make the seizure, he may, by warrant under his hand, empower any Officer of Salt Chokies, above the rank of a Jemadar of Peons to make the same; and the Officer so authorized shall proceed in the same manner, and with the same powers, as above provided in respect of the Superintendent himself. Provided that, where there is ground to suspect that such Contraband Salt as aforesaid is concealed in any Zenana, the Superintendent or Officer authorized as aforesaid shall follow, as closely as may be, the rules for the seizure of property so concealed adopted by the Supreme Court of Judicature at Fort William.

XI. All Constables, and other Ministerial Officers of the Peace, are required to help the Superintendent and the Subordinate Officers, and other Officers authorized to make a seizure of Salt, in the due execution of this Act, upon notice given or request made by the Superintendent, or any such Officer. Any Officer, who, without lawful excuse, shall refuse or neglect to help as aforesaid, on being required to do so, shall be liable to a fine, not exceeding five hundred Rupees.

XII. Whenever a seizure of Salt in store, in any place, shall be made by the Superintendent, the facts of the seizure shall be recorded in an Official proceeding, to be placed on record in his Office; and if the seizure shall be made by a Subordinate Officer, such Officer shall report the circumstances, within twenty-four hours, to the Superintendent.

XIII. Every person, who shall maliciously give false information against any person for importing or transporting, or in respect of there being in any house or shop any Salt, in contra-

vention of this Act, shall be liable to a fine, not exceeding five hundred Rupees, or to imprisonment in the Common Gaol for a period not exceed six months, or both.

XIV. Every person, who shall obstruct or molest the Superintendent, or any Officer of Salt Chokies, or any Officer of another Department duly authorised to make a seizure of Salt, or any person acting in aid of the Superintendent, or any Officer as aforesaid, in the due execution of this Act, shall be liable to a fine not exceeding five hundred Rupees; and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XV. Any Officer of Salt Chokies, or any Officer of another Department, duly empowered to make a seizure of Salt, who without reasonable cause, shall delay carrying any person arrested, or any illicit articles seized, under this Act, to the Superintendent, or neglect to report the particulars of an arrest, seizure, or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding two hundred Rupees.

XVI. Any Officer of Salt Chokies, or any Officer of another Department, as aforesaid, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for Contraband Salt, or who shall vexatiously or unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding five hundred Rupees.

XVII. Any Officer employed in the Salt Chokie Department, or any Officer of another Department, as aforesaid, who shall connive at the smuggling of Salt, or unlawfully release or connive at the escape of any person arrested under this Act, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the revenue derived from Salt defrauded, shall be liable to a fine, not exceeding five hundred Rupees.

XVIII. Any Officer employed in the Department of Salt Chokies, or any Officer of another Department, as aforesaid, who

shall ask or take any gratuity, not authorised by any law, or order of Government, or of the Board of Customs, Salt, and Opium, in consideration of doing or of omitting to do any act in his official capacity, and any person who shall offer a bribe to any such Officer in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine not exceeding five hundred Rupees.

XIX. Whenever the Superintendent shall arrest any person, or shall seize any Contraband Salt, he shall, with all convenient despatch, carry the person arrested, with the Salt, and any other chattels liable to confiscation, seized therewith, before any Justice of the Peace for the Town of Calcutta, and if the arrest or seizure shall be made by any of his Subordinate Officers, or other Officer duly empowered, such Officer shall immediately carry the person arrested, and the articles seized, to the Superintendent, who shall thereupon proceed as if the arrest or seizure had been made by himself. Provided, that nothing in this section shall be construed to prevent the Superintendent from releasing any persons arrested, or property seized, when he considers such persons or property to have been improperly arrested or seized.

XX. Whenever any Salt, or other chattels shall be seized by the Superintendent, or other duly authorised Officer, as liable to confiscation under this Act, such seizure shall, upon information exhibited by the Superintendent, be heard and determined in a summary way by such Justice of the Peace as aforesaid; and such Justice shall cause the persons, to whom such Salt, or other chattels belong, to be summoned to appear before him, and, upon their appearance or default, shall examine into the cause of the seizure thereof, and give judgment; and upon confiscation thereof shall issue his Warrant to the Superintendent for the disposal thereof, according to the orders of the Board of Customs, Salt, and Opium.

XXI. Whenever any Salt or other chattels shall be seized as aforesaid, and no person shall appear before the Superintendent, within one calendar month, to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Superintendent in the "Calcutta Gazette," and give judgment for the confiscation of such Salt and other chattels, as, upon such examination, shall

appear to him confiscable; and upon confiscation thereof, shall issue his warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXII. All fines, leviable under this Act, shall be adjudged by any Justice of the Peace for the Town of Calcutta, and the said Justice, upon information exhibited before him by the Superintendent, shall, with all convenient despatch, and not later than three calendar months after the act for which the fine may be demandable, summon the parties accused, and upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the Common Gaol of Calcutta, for a period not exceeding six months, or until the fine is sooner paid.

XXIII. Whenever any person shall be convicted before any Justice of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Gaol for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXIV. One-half of all fines levied from persons convicted of the illicit importation, transportation, or storing of Salt, and of the proceeds from sale of articles confiscated, shall, upon adjudication of the case, be awarded to the Officer or Officers subordinate to the Superintendent, or other duly authorised Officer of another Department, who apprehended the offender, or seized the illicit articles: and the other half of all such fines and proceeds shall be given to the informer; and if no fine is realised, the Board of Customs, Salt, and Opium may grant such reasonable reward, not exceeding the sum of two hundred Rupees, as may appear to them fit; and such Officers and informers shall further be entitled to the rewards specified in Section IV., Act No IX., 1835. Provided, that the Board of Customs, Salt, and Opium

may direct, by General Order, what classes of Officers of Salt Chokies shall receive rewards, and what classes shall have no title to share in them.

XXV. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt, and Opium may grant any portion thereof, not exceeding one-half, as rewards to informers, or as compensation to parties injured by any proceedings under this Act.

XXVI. No writ of Certiorari shall be issued at the suit of any party, out of the Supreme Court of Judicature, to supersede, stay, remove, or in anywise affect any information, or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXVII. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Board of Customs, Salt, and Opium, within one month after judgment given, may call for the proceedings of the case (with which requisition the Justice of the Peace shall be bound to comply), and, if they shall see cause, may direct that the seizure, or any part thereof, be restored, and remit or mitigate the penalty, and discharge the party.

XXVIII. All actions and prosecutions to be commenced against the Superintendent, or any Officer of Salt Chokies, or any Officer of another Department duly empowered to seize Contraband Salt, or any person acting in aid of the Superintendent, or other Officer, as aforesaid, for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the Defendant, one calendar month at least before the commencement of the action; and no Plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

XXIX. The term alimentary Salt as used in this Act shall be held to include and apply to Noonchye, Puckwah, and every other kind of salt substance used as a seasoning for food.

The subject of this Act has been dealt with by the Bengal Council, with what result I am not properly informed.

ARMY AND NAVY.

Act No. XIV. of 1849.

[*Passed on the 25th August,* 1849.

Recites insufficiency of laws for punishing tampering with Army and Navy.

1 Enacts person maliciously, &c., endeavouring to seduce any person serving or engaged to serve in Military or Naval Forces of E. I. Co. from his allegiance, &c., or stirring up to commit act of mutiny, or making, &c., a mutinous assembly, or to commit any traitorous, &c., practice, liable to transportation for life, or imprisonment, &c., for 7 years.

2. For offence under the Act, Magistrate may commit for trial by Sessions Court or Supreme Court as case may be.

3. No Futwa from law officer to be required.

4. This Act not to affect liability of offender to be tried by Court Martial.

To punish tampering with the Army and Navy.

Repealed by Act XVII., 1862.

BOMBAY.—STAMPS.

Act No. XV. of 1849.

[*Passed on the 25th October,* 1849.

Repeals Cl. 1, S. 6, R. 18, 1827, of Bombay Code.

An Act to amend the Law respecting the Stamped Material in use in the Presidency of Bombay.

Whereas it is inconvenient to specify particularly by law the stamped materials to be used in the Presidency of Bombay, it is enacted as follows:

I. Clause 1st, Section VI., Regulation XVIII., 1827, of the Bombay Code, is repealed.

CALCUTTA.

Act No. I. of 1850.

[*Passed on the 11th January,* 1850.

Recites the expediency of making a good Title to Lands taken for public purposes.

1. Enacts. The first seven sections of Regulation 1, 1824, to be applicable to Lands in Calcutta needed for any public purpose.

2, 3. Government Securities taken under cl. 5, of sec. 6, where to be deposited pending the question as to person entitled to it. and (2) who may draw interest on such securities

For confirming the title to lands in Calcutta taken for public purposes.

Whereas the execution of works of public usefulness in Calcutta is liable to be hindered by the difficulty in making a good title to the land taken for such purposes, it is enacted as follows:

I. The powers and provisions of the first seven Sections of Regulation I., 1824, of the Bengal Code, shall be applicable to all lands within the Town of Calcutta, which shall have been declared by the Governor of Bengal to be needed for any public purpose: and such declaration shall be conclusive evidence that the purpose for which the lands are needed is a public purpose.

II. In all cases in which payment of any part of the purchase or compensation money is reserved according to the Fifth Clause of Section VI. of the said Regulation, on account of any lands taken for any public purpose under this Act, the Government Securities mentioned in the said Clause shall be deposited with the Government Agent at Fort William in Bengal, in the name and with the privity of the Accountant General of Her Majesty's Supreme Court of Judicature at Fort William, to be placed by him to the credit of the persons interested in such lands, describing them as nearly as may be done according to the course of proceeding in the said Court in matters and causes depending before it in Equity.

III. The said Securities shall remain in the hands of the Government Agent, and the interest accruing thereon shall be, from time to time, received and paid under the order of the said Supreme Court to the person or persons for the time being, who would have been entitled to receive the rents and profits of the said lands, if the same had not been taken as aforesaid, until there shall be some person or persons absolutely entitled to receive the principal sum of the moneys so reserved, and thereupon the said Government Securities, with all interest then due thereon, shall be transferred and paid to such person or persons under the like order of the said Court, and so long as no person can be found entitled to receive the interest of the said

Government Securities, the Government Agent shall continue to receive, and from time to time, to invest the accumulation of interest due thereon in the purchase of other Government Securities, to be held and applied by him on the same trusts as the Securities first purchased.

Repealed by Act VI., 1857.

BENGAL, MADRAS, & BOMBAY.—ADMINISTRATOR GENERAL.

Act No. II. of 1850.

[*Passed on the* 11*th January*, 1850.

Recites expediency of making new provisions regarding Administration of Intestate Estates.

1. Enacts. Act No. 7, 1849, extended to Presidencies of Madras and Bombay.

2. Offices of Ec. Registrar and Administrator General may be held by same person.

3. The lower rate of Commission allowed by Act 7, not to take effect until directed by G. in Council.

4. To be a misdemeanour for any Administrator General to trade or traffic for his own benefit, or for benefit of other persons, except in due course of administration.

An Act to amend and extend to Madras and Bombay Act No. VII., 1849.

Whereas it is expedient to make new provisions for regulating the Administration of the Estates of British Subjects, dying intestate in the several Presidencies of Fort St. George and Bombay, it is enacted as follows:

I. Act No. VII., 1849 shall be extended, and apply to the several Presidencies of Fort St. George and Bombay, subject to the alterations, hereafter contained, as if, with reference to each of the said Presidencies, such Presidency were named therein instead of Bengal and Fort William in Bengal; and the Governor of such Presidency in Council instead of the Governor General of India in Council, and the Chief Town of such Presidency instead of Calcutta.

II. The Administrator General at Fort St. George and Bombay respectively, shall not cease to be Ecclesiastical Regis-

trar of the Supreme Court there by virtue of this Act; and the two Offices of Ecclesiastical Registrar and Administrator General may be held at Fort St. George or Bombay respectively by the same person.

III. The altered rate of Commission, receivable by the Administrator General at Fort St. George and Bombay respectively, under Act VII., 1849, and this Act shall not take effect until such alteration shall be directed by the Governor of Fort St. George and Bombay in Council respectively, until which several times the same rate of Commission may be lawfully taken there by the Administrator General as might have been taken by the Ecclesiastical Registrar before the passing of this Act.

IV. It is and is declared to be a misdemeanour, punishable by fine and imprisonment, for any Administrator General, in any of the Presidencies of Fort William in Bengal, Fort St George and Bombay, to trade or traffic for his own benefit, or for the benefit of any other person or persons whomsoever, unless so far as appears to him expedient for the due management of the Estates administered by him, and for the sole benefit of the several persons entitled to the proceeds of such estates respectively, but this exception is not to be construed to alter the Civil liabilities of the Administrator General as trustee for the Estates administered by him.

Repealed by Act VIII., 1855, s. 56, as to Letters of Administration, &c., subsequent to Act.

MADRAS.—JUDICIARY.

ACT NO. III. OF 1850.

[*Passed on the* 11*th January*, 1850.

Modifies S. 2 of Act 11, 1836, by abolishing all exemptions from the jurisdiction of S. Ameens and District Moonsiffs.

An Act for amending the Law concerning the jurisdiction of the Courts of Sudder Ameens and District Moonsiffs, in the Presidency of Fort St. George.

In modification of Section 2 of Act XI., 1836, it is enacted as follows:

I. After the passing of this Act, no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever exempt from the jurisdiction of the Courts of the Sudder Ameens and District Moonsiffs, in the Territories subject to the Presidency of Fort St. George.

Repealed by Act X., 1861.

BENGAL.—JUDICIARY.

Act No. IV. of 1850.

[*Passed on the* 15*th February*, 1850.

Modifies R. 6, 1793, S. 10; R. 12, 1797, S. 3; R. 26, 1814, S. 8.

1. Petitions of Regular Appeal to the Sudder to be presented within six weeks after the decision. What the petition shall contain.

2, 3. Proceedings in the appealed cause to be certified to the Sudder and notice thereof to be given to appellant, who (3) within three months after receipt of notice shall present to the Sudder his grounds of appeal.

For the amendment of Procedure in the Cases of Appeal to the Sudder Court.

Repealed by Act XV., 1853.

COASTING TRADE.—FOREIGN BOTTOMS.

Act No. V. of 1850.

[*Passed on the* 8*th March*, 1850.

Recites Statute of 13 Vic.

Enacts. Foreign Ships put on same footing as British Ships in the Coasting Trade of India.

An Act for freedom of the Coasting Trade of India.

Whereas by an Act of Parliament passed in the thirteenth year of the reign of Her Majesty, intituled An Act to amend the Laws in force for the encouragement of British Shipping and Navigation, it is enacted with regard to the Coasting Trade of India, that it shall be lawful for the Governor General of India in Council to make any regulations authorizing or permitting the conveyance of goods or passengers from one part of the possessions of the East India Company to another part thereof, in other than British Ships, subject to such restrictions or regulations as he may think necessary, it is enacted as follows:

I. Goods and Passengers may be conveyed from one part of the territories under the Government of the East India Company to another part thereof, in other than British Ships, without any restriction, other than is or shall be equally imposed on British Ships, for securing payment of duties of customs or otherwise.

MILITARY LAW.—NATIVE ARMY.

ACT No. VI. OF 1850.

[*Passed on the* 15*th March*, 1850.

1, 2, 3. Commander-in-Chief in each Presidency may pardon or remit punishment of purely Military offences of Native Officers and Soldiers; (2) by warrant. (3) Countersigned by Magistrate, &c., (4) to which all Sheriffs, Gaolers, &c., shall give effect.

For enabling the Commander-in-Chief to pardon Military Offences.

Repealed by Act XXIX., 1861.

CRIMINAL LAW.

ACT No. VII. OF 1850.

[*Passed on the* 15*th March*, 1850.

1. Repeals Act 8, 1844.

2. G. or G. in C. of any Presidency may order removal of Prisoners from one Gaol to another, except Prisoners under sentence of Supreme Courts.

3. Time employed in removal of Prisoners to reckon as part of imprisonment.

An Act for better defining the Law as to the removal of Prisoners.

Whereas, by the Regulations in force, prisoners may in certain cases be removed from one prison to another by special order of the Nizamut Adawlut or Fouzdaree Adawlut, and in other cases by the Governor or Governor in Council of the Presidency; and it is expedient that the Government should be empowered to direct such removal, in every case which appears necessary, without application to the Court for a special order. It is enacted as follows:

I. Act VIII., 1844, is repealed.

II. When any person is under sentence of imprisonment, within the Territories under the Government of the East India Company, by any authority other than that of one of the Supreme Courts of Judicature established by Royal Charter, the Governor or Governor in Council, or other person administering the Government of the Presidency or place, may order the removal of such prisoner from the prison or place in which he is confined, to any other public prison or place of confinement within the same Presidency or Government. [By Act IV., 1859, which was to continue in force for one year, from the 10th February, 1859; the removal might be to any other prison within the Indian Territory of H. M.]

III. The time of removal from one prison to another, or while the prisoner is in custody under such warrant of removal, shall reckon as part of his imprisonment.

Repealed by Act XVII., 1862.

BENGAL.—APPEALS.

Act No. VIII. of 1850.

[*Passed on the* 15*th March*, 1850.

1. Certain powers of Zillah and City Judges extended to P. S. Ameens on appeals referred to them.
2. Judge and P. S. A. to record reasons for disallowing appeal.

An Act to amend the law for enabling Zillah and City Judges and Principal Sudder Ameens, in certain cases of Appeal, to confirm the decision without summoning the Respondent.

Repealed by Act X., 1861.

CALCUTTA, MADRAS, AND BOMBAY.—SMALL CAUSE COURTS.

Act No. IX. of 1850.

[*Passed on the* 15*th March*, 1850.

1. The Courts of Commissioners and of Requests in Calcutta, Madras and Bombay, to be holden according to this Act after proclamation.
2. Interprets the words "Governor" and "Supreme Court."

3. From proclamation under this Act, all prior laws relating to the said Courts to stand repealed.

4. Courts to be called, "Courts of Small Causes," &c.

5. Jurisdiction of Court to remain as of old Court, and may be extended with sanction of Government of India.

6. Small Cause Courts to be Courts of Record, &c.

7. Proceedings commenced in old Court may be continued in Court under this Act.

8. The G. in C. to appoint not more than three Judges, one of whom to be a Barrister at Law or Advocate of Supreme Court or of Court of Session.

9. No Judge under this Act to practise as an Advocate, &c., or trade or traffic, or be the partner of any person so trading or trafficing.

10. The G. G. in C. may remove any such Judge on the application of the G. in C.

11, 12 European Judges of Supreme Courts to act as Judges of Small Cause Court, and to try suits, &c., and (12) when they so act, the duties of Clerk and Bailiffs to be performed by such Officers of Supreme Court as are appointed from time to time for that purpose, who shall be remunerated out of fees, &c.

13. A Clerk to be appointed by the Judges of the Court, &c.

14. Duties of Clerk. To issue Summonses, &c., keep an account of all proceedings, have charge of all fees, fines, &c., and monthly submit his accounts to be audited, &c.

15. Judges to appoint Bailiffs.

16. Duties of Bailiffs. To attend sittings of Court, serve Summonses, &c., execute warrants, &c.

17. Clerk and Officers neither directly nor through partner to be concerned as an Attorney nor in trade or profession, under penalty of Rupees 500 to common informer.

18. Clerk and Bailiffs to give security for due performance of duties.

19. Fees. Fees to be paid by suitors according to Schedule and one-eighth more for a general fund.

20 Fees when to be paid. To be paid by Plaintiff before summons: and subsequent fees how. What fees payable by Defendant. If case settled by agreement half the fees to be returned and Judges may remit or exempt from fees poor parties.

21, 22. G. in Council empowered to lessen and again raise scale of fees; and (22) to make rules for securing balances, &c.

23. Courts to sit daily, except on Sundays, &c., and Judges may sit apart or together.

24. Every Court to have a Seal, and forging same or issuing feigned process, to be a felony.

25. Jurisdiction of the Court. Jurisdiction to extend to debts, damages and property to amount of 500 Rs. Suits to be heard in a summary way; and defence on grounds of Equity to be admitted. Jurisdiction not to extend to

matters of revenue nor to acts done, &c., by G. G., or any Member of Council, &c, nor by any Judge, &c., nor by any Officer acting in pursuance of any judgment, nor to suits for libel or slander.

26, 27. Summonses how to be made and served. Misnomers and inaccurate description of person or place, and (27) misstatement of cause of action not to vitiate summons: but, Judge may correct the record, and afterwards proceed with cause if defendant is present, otherwise shall issue a new summons.

28. What persons within jurisdiction. All dwelling or carrying on business or working within the district, or who did so within six months, if cause of action arose within same time.

29, 30. Summonses to be endorsed by local Magistrate, &c, of district where they have to be served: and (30) service of such summonses how to be proved.

31. Minors may sue.

32. Jurisdiction of Court to extend to unliquidated balances of partnership accounts, distribution share of intestate's estate, and legacies

33. Executors and Administrators may sue and six months after death of principal be sued.

34. Causes of action not to be split, but plaintiff may reduce his claim to amount within the jurisdiction.

35. Persons privileged from arrest.

36. Service of summons on one or more of several jointly liable sufficient; and in case of misjoinder of defendants, Court may proceed against such as are liable.

37. All questions of fact and law to be determined as in the Supreme Court.

38. On personal appearance of the parties in Court, the cause to be tried in a summary way without formal pleading.

39. Defendants may set-off cross claim against the plaintiff.

40. Judges, with consent of parties, may refer matters to arbitration: submission not revocable by parties; and judgments to be given according to award; Judges may set aside award, &c.

41. The Judges with consent of Supreme Court may make general rules of practice, and for other specified purposes.

42. Plaintiff not appearing, cause to be struck out, or failing to prove his case, to be nonsuited. Court may award costs and compensation to defendant for loss of time, and on defendant's admission may give judgment for plaintiff in his absence, &c.

43. On default of defendant's appearing an attachment may issue, or cause may be heard in his absence.

44. Judges may give time for prosecuting claim or defence, and may adjour the hearing.

45. Defendant may pay money into Court, after which plaintiff proceeds at peril of costs.

46. Plaintiff and defendant, their wives, and all other persons may be examined as witnesses.

47. Examination to be on oath. Solemn affirmation may be taken by those who are exempt from oath. False evidence to be punishable for perjury.

48. Summonses to witnesses, with or without documents, may be obtained by the parties.

49. Persons summoned as witnesses or to produce books, &c., and persons in Court required to give evidence, and not obeying, to be liable to fine not exceeding 100 Rupees.

50. In suits for exceeding 30 Rupees, defendant evading process, or concealing effects may be arrested by warrant, &c.

51, 52. Fines, imposed by Court, and costs, may be recovered as judgment debts, and costs to abide the event, except when otherwise specially provided.

53 Judgments to be final and conclusive except as is excepted. Court may nonsuit: may grant new trial.

54. Suits for not exceeding 100 Rupees not to be removeable into Supreme Courts: nor in any case without leave of Judge of Supreme Court, and only for certain specified reasons.

55. Judges may reserve any question of Law or Equity for opinion of Supreme Court. If two Judges sitting together differ, the question in difference shall be referred.

56. Judges may order payment of sum recovered, by instalments, &c.

57. If the parties have cross-judgments, execution shall be taken out only for the balance of the larger judgment: if judgments are equal, satisfaction shall be entered upon both.

58, 59. Execution may be sued out against either the body or goods of the debtor, &c, and (59) in case of order to pay by instalments, execution may issue on default of payment, without further notice to the defendant.

60. Warrants in execution against the body, to express for what time not exceeding 6 months, the party is to be kept.

61. No person to be twice taken in execution, nor shall body and goods be taken at same time.

62, 63, 64, 65. Persons suing out execution against the body to deposit diet money for a month with Clerk, and (63) for subsequent further period with gaoler: (64) diet money to be applied to maintenance of prisoner: (65) the diet money to be costs in the cause, &c.

66, 67. Court may order discharge of prisoner on his giving security for the debt, and on giving such security, or (67) payment, prisoner to be discharged.

68. Imprisonment in execution not to be discharge of the debt, but property afterwards to be liable.

69. What may be taken in execution. Goods and several specified kinds of choses in action.

70. What the Bailiff shall do with cheques, bills and other choses in action seized in execution.

71. In favor of defendants unable by sickness, &c., to pay debt, Judges may stay execution on terms, &c.

72, 73, 74, 75. Goods taken in execution not to be sold until after 5 days: and (73) until sold to be placed in safe custody. (74) Sworn Brokers and Appraisers to be appointed, and (75) goods only to be sold by such sworn Brokers or Appraisers.

76. What costs shall be payable for appraisement and sale.

77. Clerk to keep an account of proceeds of execution.

78. Judgment-debtor going out of jurisdiction of the Court, to be liable to execution out of Zillah Court, unless cause shown to the contrary.

79 No judgment, &c., to be stayed, &c., by writ of error, &c., unless amount recovered exceeds 100 Rs., and then only upon giving specified security.

80. Amount due to be endorsed on warrant, and if tendered &c., to Clerk, &c., before sale, execution to be stayed.

81. Clerk to record Summonses, &c., and all other proceedings in a book, to be authenticated by the Judges, and such book to be evidence of the proceedings.

82. Clerk, every month, to make a list of moneys in Court, unclaimed for the 5 previous years, and after being published in prescribed manner for 1 year, to be carried to Fee fund account, to exclusion of party entitled except in case of Minors, &c.

83. Provides punishment for various specified contempts.

84. Provides punishment for assaults, &c., on Bailiff, &c., in execution of their duty.

85, 86. Provides punishment for neglect, &c., of Bailiffs to execute process, and (86) for offences committed under color of official duty.

87. Provides punishment for corruption of Clerk, Bailiff, or other Officers of the Court.

88. Provides for the case of erroneous execution of process, by seizing the goods of person not a party to the suit.

89, 90. Powers of Act VII., 1847, to regulate distresses for small rents, extended to rent not exceeding 500 Rs., and (90) affidavit of rent being in arrear may be made by party entitled or his Attorney.

91, 92, 93, 94. Small Cause Court may issue summonses against tenants holding over after expiration of lease, or occupying without leave of owner; if the entire yearly rent or value do not exceed 500 Rs., and (92) on default of tenant to appear, the Court may hear and determine the cause, and (93) on proof of service of summons, &c., may issue warrant of possession to be executed in not less than 7 days, &c ; (94) such summons, &c., to be served either personally or in special manner by leave of the Court.

95. No action to lie against Judge or Bailiff by reason that the person who sued out such warrant of possession had not lawful title.

96, 97. Irregular execution of warrant of possession not to be deemed a trespass, if owner was lawfully entitled, but wrong-doer to be liable for damage, &c.; otherwise, (97) if owner was not lawfully entitled, and in that case, suing out the warrant to be deemed a trespass: and execution of warrant may be stayed on tenant giving security to prosecute an action to try the right, &c.

98. Recovery of possession no bar to suit in Supreme Court to try title.

99. Bond given on removal of cause out of S. C. Court, or on staying, &c., execution to be given to plaintiff: and how bond if forfeited may be enforced.

100, 101. Officer of Small Cause Court, except as excepted, may be sued in Supreme Court, and (101) except in case of suits against Officers, if suit is brought in Supreme Court, and less than 500 Rs. recovered in case of debt, or 100 Rs. in case of tort, plaintiff shall recover no costs: and if verdict is not found for Plaintiff, defendant shall have his costs as between Attorney and Client, except as is excepted.

102. In action against Clerk, Bailiff, or Officer, if less than 500 Rs. is recovered, plaintiff shall recover no costs, unless Judge certifies.

103. Penalties, fines and forfeitures may be recovered by conviction before J. P., of mode of recovery, provided this Act be not applicab'e.

104, 105. If penalties, &c., are not forthwith paid on conviction, offender may be detained until warrant of execution is returned, unless he give security, &c., and (105) if on return of warrant, amount is not levied, offender may be committed for nòt exceeding 3 Calendar months, &c.

106. Penalties, &c., to be paid to Clerk and applied in the same manner as fees.

107. In what manner Justice, &c., shall proceed for recovery of penalties, &c.

108. Form of conviction for any offence against this Act.

109, 110. No order, verdict, judgment or other proceeding to be quashed for want of form, nor (110) distress for any sum of money to be deemed unlawful, &c., on accounnt of default of form in the information, &c., but party aggrieved may recover damages for the irregularity.

111. Limitation of Actions. Actions, &c., for any thing done in pursuance of this Act to be commenced within 3 calendar months after the fact committed, and one month previous notice of action in writing; and tender of amends to bar, payment into Court to stay action.

Lastly. Schedule of Fees.

An Act for the more easy Recovery of Small Debts and Demands in Calcutta, Madras, and Bombay.

Whereas it is expedient to amend the constitution and practice, and to extend the jurisdiction, of the several Courts established at Calcutta, Madras and Bombay, for the Recovery of Small Debts, it is enacted as follows:

I. The several Courts of Commissioners and of Requests, for the Recovery of Small Debts, now holden in the Towns of Calcutta, Madras and Bombay, under the authority of the Charter of Justice of King George the Second, and of two Acts of Parliament, severally passed in the thirty-seventh year and fortieth year of the reign of King George the Third, and of the Regulations and Proclamations made, from time to time, for

constituting and for new-modelling, altering, and reforming the constitution and practice of the said Courts respectively, and of Act XII., 1848, shall be holden according to the provisions of this Act, from and after such several days as shall be declared within the said Towns by proclamation, to be made and published in due form of law in each of the said Towns by the Governor in Council.

II. Where in this Act the words "Governor in Council," or "Supreme Court," are used, they shall be taken to apply severally to the person or persons administering the executive Government, and to the Supreme Court, established under Royal Charter of each of the Presidencies of Fort William in Bengal, Fort St. George and Bombay, with reference only to the Court holden under this Act, in the same Presidency.

III. From and after the day declared in any such proclamation, all provisions of the said Charter of Justice, and Acts of Parliament, and of any Regulation, Act, or Proclamation heretofore made concerning the constitution or practice of the Court referred to in such Proclamation, shall be rescinded and repealed.

IV. The style of the several Courts holden under this Act shall be the ( ) Court of Small Causes, inserting in the blank space, Calcutta, Madras, or Bombay, as the case requires.

V. The jurisdiction of the several Courts, holden under this Act, shall extend over the whole district now within the jurisdiction thereof respectively, and over such further district as may, from time to time, be declared by proclamation of the Governor in Council, provided that no Proclamation for extending the district of any of the said Courts be made without the previous sanction of the Governor General of India in Council.

VI. Every Court holden under this Act shall be a Court of Record, and shall be deemed a Court of Requests within the meaning of Act VII., 1841, Section VI.

VII. All proceedings commenced in any of the said Courts, before the time when the constitution and practice of such Court be altered under this Act, may be continued, executed, and enforced against all persons liable thereunto, in the same manner

as if they had been according to this Act; and each of the said Courts shall be empowered in any case of doubt as to the proper manner of continuing, executing or enforcing any such proceedings, to make such orders thereon as shall appear to the Court to be necessary for giving full effect to this enactment.

VIII. The Governor in Council shall appoint as many persons as are necessary, not exceeding three, to be Judges of the Court, one of whom shall be a Barrister-at-Law, or Advocate of one of the Supreme Courts of India, or of the Court of Session in Scotland.

IX. No Judge appointed under this Act shall, during his continuance as such Judge, practise as an Advocate, Attorney or Vakeel, in any of the Queen's Courts, or in any Court of the East India Company, or trade, or traffic for his own benefit, or for the benefit of any other person, or be the partner of any person so practising, trading or trafficing.

X. The Governor General of India in Council may remove any such Judge on the application of the Governor in Council.

XI. Any Judge or Judges of the Supreme Court of Judicature, who shall consent to aid in the execution of this Act, may exercise all the powers of a Judge appointed under this Act, and suits may be tried by him sitting in the Supreme Court under this Act, in like manner as if he were a Judge of the Court of Small Causes, and no appointment of a Judge under this Act, shall be made while it appears to the Governor in Council that the whole business of the Court can be transacted by the Judges of the Supreme Court so consenting to act.

XII. The duties herein directed to be performed by the Clerk and Bailiffs respectively of the Court of Small Causes, shall be performed in such cases as are tried by a Judge of the Supreme Court, by such Ministerial Officers of the Supreme Court as shall be, from time to time, appointed by the said Judge of the Supreme Court for that purpose, and the persons so appointed shall have all the powers and protections by this Act given to the Clerk and Bailiffs of the Court of Small Causes respectively, and shall receive such remuneration for their services out of the fees received in the causes tried by a Judge of the Supreme Court as he shall deem reasonable, and the residue shall form part of the general fund of the Court of Small Causes.

XIII. There shall be a Clerk for every Court holden under this Act, whom the Judges of the Court shall appoint, subject to the approval of the Governor in Council, and may remove, subject to the like approval; if necessary, additional Clerks may be appointed with the sanction of the Governor in Council.

XIV. The Clerk of each Court shall issue all summonses, warrants, precepts and writs of execution, and keep an account of all proceedings of the Court, and shall take charge of, and keep, an account of all Court fees and fines, payable or paid into Court, and of all moneys paid into and out of Court, and shall enter an account of all such fees, fines, and moneys in a book belonging to the Court, to be kept by him for that purpose, and shall monthly, or at such other times as shall be directed by the Governor in Council, submit his accounts to be audited or settled in such manner as the Governor in Council, from time to time, shall direct.

XV. The Judges of every such Court shall, from time to time, appoint a sufficient number of persons to be Bailiffs of the Court, not exceeding the number from time to time allowed by the Governor in Council, and may at their pleasure suspend or dismiss any Bailiff so appointed.

XVI. The Bailiffs shall attend every sitting of the Court, for such time as shall be required by the Judges, and shall serve all the summonses and orders, and execute all the warrants, precepts, and writs, issued out of the Court; and shall, in the execution of their duties, conform to all such general rules as shall be, from time to time, made for regulating the proceedings of the Court.

XVII. Every Clerk or other Officer of any such Court, who shall, by himself, or by any partner, or in any way, directly or indirectly, be concerned or act as Attorney, or Vakeel, or be concerned in any trade or profession on his own account, or for any other person, shall forfeit and pay the sum of Five Hundred Rupees to any person who shall sue for the same in the Supreme Court by action of debt or on the case.

XVIII. The Clerk and Bailiffs shall give security for such sum, and in such manner and form, as the Governor in Council, from time to time, shall order, for the due performance of their several offices, and for the due accounting for and payment of all

moneys received by them under this Act, or which they may become liable to pay for any misbehaviour in their office.

XIX. There shall be payable in the Courts holden under this Act the fees set forth in the annexed Schedule, beside the sum of Two Annas in the Rupee on the amount of the sum claimed, which fees shall be paid over to an account to be termed the General Fund of the Court.

XX. The rateable fee or commission shall be paid by the plaintiff before the summons issues; the other fees on every proceeding shall be paid in the first instance by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding; if the plaintiff recovers a less sum than he has demanded, the defendant shall not, in any case, be required to repay to him more than the fees and commission calculated upon the sum recovered. If the case is settled by agreement of the parties, before hearing, half the amount of the fees paid up to that time shall be returned to the parties by whom they have been severally paid. The Judges of the said Court may at their discretion grant summons to poor plaintiffs without deposit, or with a partial deposit of fees and commission, and also may remit costs wholly or partially to poor suitors.

XXI. The Governor in Council may, at any time, lessen the amount of the fees to be taken in the Courts holden under this Act in such manner as to him shall seem fit, and may again increase such fees, so that the scale of fees given in this Act be not in any case surpassed.

XXII. The Governor in Council shall, from time to time, make such rules as to him shall seem meet for securing the balances and other sums of money in the hands of any Officers of every Court holden under this Act, and for the due accounting for and application of all such balances and other sums of money.

XXIII. The Courts shall sit daily, except on Sundays, Christmas-day, and Good Friday, and on Native or other Holidays, which the Governor in Council shall direct the Court to observe; and each of the Judges may sit apart from the others, or with either of them, at the same time or at different times; and any one or two of the said Judges so sitting apart shall have all the judicial authority which is herein given to all the Judges.

XXIV. A Seal shall be made for every Court holden under this Act, under the direction of the Governor in Council, and all summonses and other process issuing out of the Court shall be sealed or stamped with the Seal of the Court; and every person who shall forge the Seal or any process of the Court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of the said Court, knowing the same to be false, or who shall act, or profess to act under any false colour or pretence of the process of the said Court, shall be guilty of felony.

XXV. All suits, where the debt or damage claimed or value of the property in dispute is not more than Five Hundred Rupees, whether on balance of account or otherwise, may be brought in the Court of Small Causes; and all such suits brought in the said Court shall be heard and determined in a summary way, and every defence which would be deemed good in the Supreme Court sitting as a Court of Equity shall be a good bar to any legal demand in the Court of Small Causes. Provided always, that the Court shall not have jurisdiction in any matter concerning the revenue, or concerning any Act ordered or done by the Governor, or Governor General, or any Member of the Council of India, or of any Presidency, in his public capacity, or done by any person by order of the Governor General or Governor in Council, or concerning any act ordered or done by any Judge or Judicial Officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court, or any such Judge or Judicial Officer, or in any suit for libel or slander.

XXVI. On the application of any person desirous to bring a suit under this Act, the Clerk of the Court shall issue, under the seal of the Court a summons which shall be numbered, and shall set forth the names of the plaintiff and defendant, the cause of action, with such particulars as shall be, from time to time, directed by the Rules of the Court, and the amount sued for, and shall be served on the defendant, so many days before the day on which the Court shall be holden at which the cause is to be tried as shall be directed by the rules for regulating the practice of the Court; and delivery of such summons to the defendant, or in such

other manner as shall be specified in the rules of practice, shall be deemed good service; and no misnomer or inaccurate description of any person or place in any such summons shall vitiate the same, if the person or place be therein described so as to be commonly known.

XXVII. No misstatement of the cause of action in the summons issued under this Act shall vitiate the same, and the Judges of the Court may, in their discretion, rectify such misstatement as soon as discovered, and alter the record accordingly; and if the defendant, or one of the defendants be present in Court at the time of such discovery, the hearing of the cause after the record shall have been so altered, shall be proceded with as if no such misstatement had happened, but in the absence of the defendant, or of all the defendants, a new summons of the same number and date as the original summons shall be issued with the altered statement of the cause of action.

XXVIII. All persons shall be deemed within the jurisdiction of the Court, who dwell or carry on their business or work for gain within the district of the Court at the time of bringing the action, or who did so dwell or carry on their business or work therein at the time when the cause of action arose, or within six months before the time of bringing the action for causes of action which arose within the same time.

XXIX. Any summons or other process of any of the said Courts, service of which is needed out of the district of the Court, may be exhibited in any Court of Law, or before any Magistrate, and shall be thereupon endorsed by the Magistrate or Judge of such Court; and, when so endorsed, may be served in like manner as any order or process from such Court or Magistrate; and such service shall be as valid as if the same had been made by the Bailiff of the Court out of which such summons or other process shall have issued within the jurisdiction of the Court for which he acts.

XXX. Service of any summons or other process of the Court, which shall require to be served out of the district of the Court, may be proved by affidavit, or solemn affirmation, purporting to be sworn or made before any Judge or Magistrate; and, in every case of the unavoidable absence of the Bailiff by whom any summons or other process of the Court has been served, the

service of such summons or other process may be proved, if the Judges think fit, in the same manner as a summons served out of the district of the Court.

XXXI. Any Minor may prosecute a suit in any Court holden under this Act for any sum of money not greater than Five Hundred Rupees, which may be due to him for wages or piece-work, or for work as a servant, in the same manner as if he were of full age.

XXXII. The jurisdiction of the Court shall extend to the recovery of any demand, not exceeding the sum of Five Hundred Rupees, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will.

XXXIII. Any Executor or Administrator may sue and be sued in any Court holden under this Act, in like manner as if he were a party in his own right; and Judgment and execution shall be such as in the like case would be given or issued in the Supreme Court in the like case: but no Executor or Administrator shall be summoned in that capacity within six months after the death of the person, whose Executor or Administrator he is.

XXXIV. A plaintiff shall not be allowed to divide any cause of action, for the sake of bringing two or more suits in any of the said Courts: but any plaintiff, having cause of action for more than Five Hundred Rupees, may abandon the excess, which shall be entered in the record, and stated in the summons, and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding Five Hundred Rupees; and the judgment of the Court shall be in full discharge of all demands in respect of such cause of action; and entry of the judgment shall be made accordingly.

XXXV. The Governor General and Members of the Supreme Council of India, the Governors and Members of Council of the Presidencies of Fort William in Bengal, Fort St. George and Bombay respectively, and the Chief Justices and Judges of the several Supreme Courts established therein by Royal Charter, shall not be liable to arrest or imprisonment by process issuing out of any Court holden under this Act, and no writ or process

shall be sued out of the said Court against any of the persons privileged by Act I., 1844, or Act XVIII., 1848, without the consent of the Governor in Council.

XXXVI. Where any plaintiff shall have any demand recoverable under this Act, whether founded on contract or wrong, against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with process, and judgment may be obtained and execution issued against the person or persons so served, notwitstanding that others jointly liable, may not have been served or sued, or may not be within the jurisdiction of the Court; and every such person against whom judgment shall have been obtained under this Act, and who shall have satisfied such judgment, shall be entitled to demand and recover in the Court, holden under this Act, contribution from any other person jointly liable with him; and in all cases of misjoinder of defendants, the Judges may order the suit to proceed against such of the defendants only against whom cause of action appears, and may give judgment against them only; giving also judgment for costs for the defendants improperly joined.

XXXVII. The Judges of the Court shall be empowered to determine all questions as well of fact as of law or equity, as administered in the Supreme Court, in all cases which they have authority to try.

XXXVIII. On the day in that behalf named in the summons, the plaintiff shall appear, and thereupon the defendant shall be required to appear to answer; and on answer being made in Court, the Judges shall proceed in a summary way to try the cause, and give judgment, without further pleading or formal joinder of issue.

XXXIX. A defendant, having any cause of action against the plaintiff, whether or not the same exceeds Five Hundred Rupees, shall be entitled to set the same against the plaintiff's demand, and if judgment is given in such case for the plaintiff, shall be entitled to sue the plaintiff for the balance only of his original demand, after deducting the amount of debt or damages and costs recovered against him under this Act.

XL. The Judge may, in any case, with the consent of both parties to the suit, order the same, with or without other matters

within the jurisdiction of the Court in dispute between such parties, to be referred to arbitration, to such person or persons, and in such manner, and on such terms as they shall think reasonable and just; and such reference shall not be revocable by either party, except by consent of the Judges; and the award of the arbitrator or arbitrators or umpire shall be entered as the judgment in the cause, and shall be as binding and effectual to all intents, as if given by the Judges; provided, that the Judges may, if they think fit, on application to them at the first Court held after the expiration of one week, after the entry of such award, set aside such award, or may, with the consent of both parties, revoke the reference, or order another reference to be made in the manner aforesaid.

XLI. The Judges of each Court, holden under this Act, subject to the approval of the Judges of the Supreme Court, shall have power to make and issue all the general rules for regulating the practice and proceedings of the Court, and also to frame forms for every proceeding in the Court, for which they shall think it necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the Clerk of the Court, and from time to time, to alter any such rule or form; and the rules so made and the forms so framed, shall be observed and used in the Court of that Presidency, and shall be sent to Supreme Court for approval, but shall be of force until disapproved; and in any case, not expressly provided for herein, or by the said rules, the general principles of practice, in the Supreme Court may be adopted and applied, at the discretion of the Judges, to actions and proceedings in their Court.

XLII. If, upon the day of the return of any summons, or at any continuation or adjournment of the said Court, or of the cause for which the said summons shall have been issued, the plaintiff shall not appear, the cause shall be struck out; and if he shall appear, but shall not make proof of his demand to the satisfaction of the Court, the Judges may nonsuit the plaintiff or give Judgment for the defendant; and in either case, where the defendant shall appear and shall not admit the demand, may award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as they, in their discretion, shall think fit; and such sum shall be recoverable from the

plaintiff by such ways and means as any debt or damage ordered to be paid by the same Court can be recovered: provided always that if the plaintiff shall not appear when called upon, and the defendant, or some one duly authorized on his behalf, shall appear, and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the Court, if it shall think fit, may proceed to give judgment, as if the plaintiff had appeared.

XLIII. If on the day so named in the summons, or at any continuation or adjournment of the Court, or cause in which the summons was issued, the defendant shall not appear or sufficiently excuse his absence, or shall neglect to answer, when called in Court, the Judges, upon due proof of service of the summons, may issue a writ of attachment to compel the appearance of the defendant; or, in their discretion, may proceed to the hearing on trial of the cause on the part of the plaintiff only; and the judgment thereupon shall be as valid as if both parties had attended; provided always, that the Judges in any such case, at the same or any subsequent Court, may set aside any judgment so given in the absence of the defendant, and the execution thereupon; and may grant new trial of the cause upon such terms, as to payment of costs, giving security for debt or costs, or otherwise, as they think fit, on sufficient cause shewn to them for that purpose.

XLIV. The Judges may, in any case, make orders for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the suit, and also may, from time to time, adjourn any Court or the hearing or further hearing of any cause, in such manner as to them may seem fit.

XLV. The defendant in any action brought under this Act for the recovery of money, whether for debt or damages within such time as shall be directed by the rules for regulating the practice of the Court, may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, with the costs incurred by the plaintiff up to the time of such payment; and the said sum of money shall be paid to the plaintiff; but, if he shall elect to proceed, and, if the plaintiff shall recover no further sum in the action than shall have been so paid into Court, the plaintiff shall pay to the defendant the costs incurred by him in the said action after such payment;

and such costs shall be settled by the Court, and an order shall thereupon be made by the Court for the payment of such costs by the plaintiff.

XLVI. On the hearing or trial of any action or any other proceeding under this Act the parties thereto, their wives, and all other persons, may be examined, on behalf of either the plaintiff or defendant, subject nevertheless to the Acts and Regulations in force, with respect to the examination of woman of a rank and situation in life, which, according to the customs of the country, would render it improper to compel them to appear in a Court of Justice.

XLVII. Every person shall be examined on oath, or when exempt by law from taking an oath in any Court of Justice, on solemn affirmation, and every person, who, in any examination upon oath or solemn affirmation, under this Act, shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury.

XLVIII. Either of the parties to the suit or any other proceeding under this Act may obtain, at the office of the Clerk of the Court, summonses to witnesses, with or without a clause requiring the production of books, deeds, papers and writings in their possession or control, and in any such summons any number of names may be inserted.

XLIX. Every person, on whom any such summons shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the Court, and who shall refuse or neglect, without sufficient cause, to appear, or to produce any books, papers or writings required by such summons to be produced, and also every person present in Court, who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine not exceeding One Hundred Rupees, as the Judges shall set on him; and the whole or any part of such fine, in the discretion of the Judges, after deducting the costs, may be applied towards indemnifying the party injured by such refusal or neglect.

L. The Judges of any Court established under this Act, in all suits where the debt or demand exceeds the sum of Thirty Rupees, upon proof before them, that any defendant against whom a summons has been taken out, conceals himself from or

otherwise evades process of the Court, or is disposing of his property and effects with intent to defraud the plaintif or his creditors generally, or is about to withdraw his person or effects from the jurisdiction of the Court, may issue a warrant for the apprehension of such person, and may commit him to gaol until he shall find security for his appearance in the said Court from time to time, until judgment shall be pronounced in the suit commenced by such summons, and for payment of the amount and the costs which may be decreed againt him therein. .

LI. Payment of any fine imposed by any Court under the authority of this Act may be enforced upon the order of the Judges, in like manner as payment of any debt adjudged in the said Court, and shall be accounted for as herein provided.

LII. All the costs of any action or proceeding in the Court not herein otherwise provided for, shall be paid by or apportioned between the parties, in such manner as the Judges shall think fit; and, in default of any special direction, shall abide the event of the action; and execution may issue for the recovery of any such costs, in like manner as for any debt adjudged in the said Court.

LIII. Every order and judgment of any Court holden under this Act except as herein provided, shall be final and conclusive between the parties; but the Judges shall have power to nonsuit the plaintiff, in every case in which satisfactory proof shall not be given to them, entitling either the plaintiff or defendant to the judgment of the Court; and shall also in every case whatever have the power, if they shall think fit, to order a new trial to be had, upon such terms as they shall think reasonable, and in the meantime to stay the proceedings.

LIV. No cause commenced in any Court, holden under this Act, shall be removed from the said Court into the Supreme Court by any writ or process, unless the debt or damage or value of the property claimed exceeds One Hundred Rupees, and then only by leave of a Judge of the said Supreme Court on proof to his satisfaction that some question of law or equity is likely to arise therein, which, by reason either of its difficulty, novelty or general importance, or of some erroneous course of decision on the same point in the Court of Small Causes may appear to him fit to be tried in the Supreme Court, and upon such terms as to

payment of costs, giving security for debt or costs, or otherwise, as he shall think fit.

LV. The Judges of the Court of Small Causes may, in their discretion, reserve any question of law or equity on which they entertain doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the Judges of the Supreme Court, and shall give judgment contingent upon the opinion of the said Supreme Court on a case which they shall thereupon be entitled to state to the said Court. If only two Judges sit together, and shall differ in opinion, the question on which they differ shall be so referred.

LVI. The Judges may make orders concerning the time or times, and by what instalments, any debt or damages or costs, for which judgment shall be obtained in the said Court, shall be paid; and all such moneys shall be paid into Court, unless the Judges shall otherwise order.

LVII. If there be cross-judgments between the parties, execution shall be taken out by that party only, who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum; and satisfaction for the remainder shall be entered, as well as satisfaction on the judgment for the smaller sum; and if both sums shall be equal, satisfaction shall be entered upon both judgments.

LVIII. Whenever the Court shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner directed, by execution against the body or the goods and chattels of the person against whom such order is made without further notice or order; and the Clerk of the said Court, at the request of the person prosecuting such order shall issue under the seal of the Court a writ of execution to one of the Bailiffs of the Court, which shall be his warrant to take the body of such person in execution, or to levy, or cause to be levied, by distress and sale of the goods and chattels of such person such sum of money as shall be so ordered, wheresoever they may be found within the District of the Court, and also the costs of the execution; and all Constables and other Peace Officers within their several jurisdictions shall aid in the execution of every such writ.

LIX. If the Court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue until after default in payment of some instalment according to such order; and execution or successive executions may then issue without further notice or order for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as the Court shall order, either at the time of making the original order, or at any subsequent time under the seal of the Court.

LX. Whenever any warrant shall issue for taking in execution the body of any person under this Act, the Bailiffs of the Court shall be empowered, by virtue thereof, to take and convey him to any prison, appointed by the Governor in Council to be the prison of the Court, there to remain for such term as shall be directed by the warrant, not longer than six calendar months, or until he shall sooner perform the order of the Court.

LXI. No person shall be imprisoned twice under the same judgment, or shall execution against the body and goods issue at the same time under the same judgment.

LXII. Every person suing out a warrant of execution against the body of any other person under this Act shall deposit with the Clerk of the Court, at the time of the issue of the warrant, diet money for one week, after the rate of one anna and a half for each day, which shall be paid by the Clerk to the Keeper of the Prison at the time of the execution of the warrant. [Amended by Act XX., 1867.]

LXIII. Notice of the execution of every such warrant shall be forthwith given to the person at whose suit it issued, who shall thereupon deposit with the Keeper of the Prison, diet money for the remainder of the month in which the warrant is executed, after the same daily rate, and shall continue thereafter to deposit monthly with the said Keeper, in advance, diet money at the same daily rate, for each month which the debtor is liable to be kept in prison at his suit.

LXIV. The diet money shall be employed for the subsistence of the prisoner; and if, by default of the detaining creditor, such diet money is not paid, the prisoner shall be entitled to his discharge by order of the Court.

LXV. All diet money, which shall be spent in providing

subsistence for any prisoner, shall be costs in the cause, and all diet money, which shall not be so spent, shall be repaid to the creditor advancing the same.

LXVI. Whenever any prisoner shall offer good and reasonable security for payment of any debt or damage and costs, either in full or by instalments as the Court shall think reasonable, the Court may order him to be discharged on giving such security.

LXVII. Upon payment of the debt or damage and costs in full, the prisoner shall be entitled to be forthwith discharged.

LXVIII. If the debt or damage and costs are not paid, the imprisonment shall not extinguish the liability to pay the same; but all property then belonging to or afterwards acquired by the prisoner shall be liable to be taken in execution after his discharge from prison for satisfaction thereof, or of so much thereof as is not paid, including the diet money actually expended for subsistence of the prisoner.

LXIX. Every Bailiff executing any process of execution issuing out of the said Court against the goods of any person, may, by virtue thereof, seize and take any of the goods of such person (excepting the necessary wearing apparel and bedding of such person or his family, and the tools and implements of his trade), and may also seize and take any money or bank-notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to any such person against whom any execution shall have issued as aforesaid.

LXX. The Bailiff shall forthwith deliver any cheques, bills of exchange, promissory notes, bonds, specialties or other securities for money, which shall have been so seized or taken as aforesaid, to the Clerk or other person appointed by the Judges to receive the same, who shall hold them as a security or securities for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum or sums secured, or made payable thereby, when the time of payment thereof, shall have arrived.

LXXI. If it shall, at any time, appear to the satisfaction of the Court that any defendant is unable, from sickness or other

sufficient cause, to pay and discharge the debt or damages recovered against him, or any instalment thereof ordered to be paid as aforesaid, the Judges in their discretion, may suspend or stay any judgment, order or execution given, made or issued in such action, for such time and on such terms as they shall think fit, and so, from time to time, until it shall appear by the like proof as aforesaid that such temporary cause of disability has ceased.

LXXII. No sale of any goods, which shall be taken in execution as aforesaid shall be made until after the end of five days at least next following the day on which such goods have been so taken, unless such goods be of a perishable nature, or upon the request, in writing, of the party whose goods have been taken.

LXXIII. Until such sale, the goods shall be deposited by the Bailiff by whom they were taken in some fit place, or they may remain in the custody of a fit person approved by the Judges to be put in possession by the Bailiff.

LXXIV. The Judges, from time to time, as they shall think proper, may appoint such and so many persons for keeping possession, and so many of their Bailiffs or other fit persons to be sworn brokers and appraisers for the purpose of selling or valuing any goods, chattels or effects taken in execution under this Act, as shall appear to them to be necessary, and may direct security to be taken from each of them, for such sum and in such manner as they shall think fit, for the faithful performance of their duties, without injury or oppression; and the Judges may dismiss any person, broker or appraiser so appointed.

LXXV. No goods taken in execution under this Act shall be sold for the purpose of satisfying the warrant of execution; except by one of the brokers or appraisers so appointed.

LXXVI. The costs to be demanded or taken for such appraisement and sale shall be One Anna in the Rupee on the produce of the goods sold; and the Judges may apply the sum so raised as costs towards payment of the contingent charges and remuneration of the said brokers and appraisers, in such manner as shall be approved by the Governor in Council

LXXVII. The Clerk of the Court shall keep an account of all sums received upon such sales, distinguishing the amount paid to the party entitled to the benefit of the execution, and the

amount levied and retained as costs, and also of all sums allowed to the brokers and appraisers upon such sales.

LXXVIII. Whenever any defendant against whom judgment shall have been given in the Court of Small Causes, shall go before execution thereof out of the jurisdiction of the Court, the Judge of any Zillah or Town where he shall be found, upon receiving from the plaintiff either in person or by vakeel, an application in writing setting forth these facts, with a duly authenticated copy of the judgment of the Court, shall execute the said judgment in the manner prescribed by law for execution of his own decrees; unless the defendant shall allege any reasonable cause why the judgment should not be executed, and shall give security to such amount as the Judge of such Zillah or Town shall deem reasonable, that he will, within such time as shall be allowed him for that purpose, either satisfy the judgment or produce a duly authenticated copy of an order of the Judges of the Court of Small Causes, discharging their former judgment.

LXXIX. No judgment or execution shall be stayed, delayed or reversed upon or by any writ of error or *supersedeas* thereon, to be sued for the reversing of any judgment given in any Court holden under the provisions of this Act, unless the amount recovered exceeds One Hundred Rupees, and then only after the person suing out such writ shall become bound with two sufficient sureties to be approved by the Clerk of the Court, in treble the sum adjudged to be recovered in the former judgment, to prosecute the said writ with effect, and also to satisfy and pay (if the writ be not prosecuted, or if the judgment be affirmed), the debt or damages and costs adjudged, and all costs and damages to be awarded for the delay of execution.

LXXX. Upon every warrant of execution issued against the goods and chattels of any person, the Clerk of the Court shall cause to be stated the sum of money and costs adjudged with the sum paid for such warrant; and if the party against whom such execution shall be issued shall, before an actual sale of the goods and chattels, pay or cause to be paid or tendered unto the Clerk of the Court, or to the Bailiff holding the warrant of execution such sum of money and costs, as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt or damages and costs, together with the fees herein directed

to be paid, the execution shall be superseded, and the goods and chattels of the said party shall be discharged and set at liberty.

LXXXI. The Clerk of every Court holden under this Act shall cause a record of all summonses, and of all orders, and of all judgments and executions, and returns thereto, and of all fines, and of all other proceedings of the Court, to be fairly entered, from time to time, in a book or books belonging to the Court, which shall be kept at the Office of the Court; and shall be duly authenticated by one or more of the Judges; and such entries in the said book or books, or a copy thereof, bearing the seal of the Court, and purporting to be signed and certified as a true copy by the Clerk of the Court, shall be admitted in all Courts and places as evidence of such entries, and of the proceeding referred to by such entry or entries, and of the regularity of such proceeding, without any further proof.

LXXXII. The Clerk of every such Court shall, in the month of March, in each year, make out a correct list of all sums of money belonging to suitors in the Court, which shall have been paid into Court, and which shall have remained unclaimed for five years before the first day of the month of January then last past, specifying the names of the parties for whom or on whose account the same were so paid into Court; and a copy of such list shall be put up and remain during Court hours in some conspicuous part of the Court House, and at all times in the Clerk's Office; and all sums of money which shall have been paid into any such Court, to the use of any suitor or suitors thereof, and which shall have remained unclaimed for the period of six years, before the passing of this Act, and which are now in the hands of any Commissioner or Officer of such Court, or otherwise held in trust for such suitors, and all further sums of money, which shall hereafter be paid into such Court to the use of any suitor or suitors thereof shall, if unclaimed for the period of six years after the same shall have been so paid into Court, be applicable as part of the fees receivable on account of the Court, and shall be carried to the same account; and no person shall be entitled to claim any sum which shall have remained unclaimed for six years; but no time during which the person entitled to claim such sum shall have been an infant or married woman or of unsound mind, or out of

the Territories under the Government of the East India Company, shall be taken into account in estimating the said period of six years.

LXXXIII. If any person shall wilfully insult any Judge, Clerk or Officer of the said Court, for the time being, during his sitting or attendance in Court, or shall wilfully interrupt the proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the assistance of any other person, by the order of the Judges to take such offender into custody, and detain him until the rising of the Court; and the Judges shall be empowered, if they shall think fit, by a warrant under their hands, and sealed with the seal of the Court, to commit any such offender to any prison to which they have power to commit offenders under this Act, for any time, not exceeding seven days, or to impose upon any such offender a fine, not exceeding Fifty Rupees for every such offence, and in default of payment thereof to commit the offender to any such prison as aforesaid, for any time not exceeding seven days, unless the said fine be sooner paid, or instead of inflicting summary punishment under this Act may cause the offender to be indicted in the Supreme Court, if the offence be an indictable misdemeanour.

LXXXIV. If any Officer or Bailiff of any Court holden under this Act shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any person arrested, or goods levied under process of the Court, the person so offending shall be liable to a fine, not exceeding One Hundred Rupees, to be recovered by order of the Court, or before a Magistrate as hereinafter provided; and the Bailiff of the Court, or any Peace Officer in any such case, may take the offender into Custody (with or without warrant), and bring him before such Court or Magistrate accordingly.

LXXXV. If any Bailiff of the said Court, who shall be employed to execute any warrant of the Court, shall by neglect, or connivance, or omission, lose an opportunity of executing such warrant, then, upon complaint of the party aggrieved by reason of such neglect, connivance, or omission (and the fact alleged being proved to the satisfaction of the Court), the Judges shall order the Bailiff to pay such damages as it shall

appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution is issued, and the Bailiff shall be liable thereto; and upon demand made thereof, and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court, without prejudice nevertheless to the execution of the original warrant.

LXXXVI. If any Clerk, Bailiff or Officer of the Court, acting under colour or pretence of the process of the said Court, shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this Act, the Judges may enquire into such matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and may make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as they shall think just; and also, if they shall think fit, may impose such fine upon the Clerk, Bailiff or Officer, not exceeding One Hundred Rupees for each offence, as they shall deem adequate; and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court.

LXXXVII. Every Clerk, Bailiff or other Officer employed in putting this Act or any of the powers thereof in execution, who shall wilfully and corruptly exact, take or accept any fee or reward whatsoever, other than his lawful salary, for any thing done or to be done by virtue of this Act, or on any account whatsoever, relative to putting this Act into execution, shall, upon proof thereof before the said Court, and in the case of a Clerk, on confirmation of the finding of the Court by the Governor in Council, be for ever incapable of serving or being employed under this Act in any office of profit or emolument, and shall also be liable for damages as herein provided.

LXXXVIII. If any claim shall be made to, or in respect of, any goods or chattels taken in execution under the process

of any Court holden under this Act, in respect of the proceeds or value thereof, by any person not being the party against whom such process has issued, the Clerk of the Court, upon application of the Officer charged with the execution of such process, as well before as after any action brought against such Officer, may issue a summons calling before the said Court, as well the party issuing such process as the party making such claim, and thereupon any action, which shall have been brought in the Supreme Court in respect of such claim, shall be stayed, and any Judge of the Supreme Court on proof of the issue of such summons and that the goods and chattels were so taken in execution. may order the party bringing such action to pay the costs of all proceedings had upon such action after the issue of such summons out of the Court of Small Causes, and the Judges of the Court of Small Causes shall adjudicate upon such claim and make such order between the parties in respect thereof, and of the costs of the proceedings as to them shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in such Court.

LXXXIX. The powers of Act VII., 1847, to regulate distresses for small rents in Calcutta, shall be extended to the recovery of all arrears of rent not exceeding Five Hundred Rupees, and the Judges of every Court of Small Causes under this Act shall be empowered to exercise within their several jurisdictions the extended powers of the said Act; and the said Act shall be construed as if instead of Calcutta and the Settlement of Fort William in Bengal, the limits of the jurisdiction of the Court had been therein mentioned, and the Judges of the Court of Small Causes under this Act instead of the Commissioners of the Court therein mentioned, and the amount of Five Hundred Rupees instead of One Hundred Rupees, and the forms contained in the Schedule annexed to the said Act shall be altered accordingly, and shall refer to this Act instead of Act VII., 1847.

XC. The Affidavit of arrear required by the said Act No. VII., 1847, may, in every case, be made either by the person entitled to such arrear or by his or her lawfully constituted attorney, and a warrant of distress may issue on such affidavit.

XCI. Where any person shall hold or occupy any house, land or tenement, of which the value or the rent payable in

respect thereof does not exceed the rate of Five Hundred Rupees by the year, without leave of the owner, or under a lease or agreement which is ended, or duly determined by a legal notice to quit, and such tenant, or, if such tenant do not actually occupy the premises, or occupy only a part thereof, any person by whom the same or any part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up possession of the premises, or of such part thereof respectively, the owner or his agent may take out a summons from the Court directed to such tenant or occupier, to show by what title he claims to hold or occupy the premises or part thereof.

XCII. If the tenant or occupier shall not thereupon appear at the time and place appointed, and show cause to the contrary, and shall still neglect or refuse to deliver up possession of the premises, or of such part thereof of which he is then in possession, to the said owner or his agent, such owner or agent may give to the Court proof of the holding, and of the end or other determination of the tenancy, if any had existed, with the time or manner thereof, and of the right by which he claims the possession.

XCIII. Upon proof of due service of the summons, and of the neglect or refusal of the tenant or occupier, as the case may be, the Judges may issue a warrant under the seal of the Court, to any Bailiff of the Court requiring and authorizing him within a period to be therein named not less than seven, or more than ten clear days from the date of such warrant, to give possession of the premises to such owner or agent, and such warrant, shall be a sufficient Warrant to the said Bailiff to enter upon the premises with such assistants as he shall deem necessary, and to give possession accordingly; Provided always, that entry upon any such warrant shall not be made on a Sunday, Good Friday or Christmas-day, or any other day observed by the Court as a Holiday, or at any time except between the hours of six in the morning and six in the afternoon: Provided also, that nothing herein contained shall be deemed to protect any person by whom any such warrant shall be sued out of the Court of Small Causes from any action which may be brought against him by any such tenant or occupier for such entry and taking possession, where such person had not, at the time of suing out the same as aforesaid, lawful right to the possession of the same premises.

XCIV. Such summons, as last aforesaid, may be served either personally or by leave of the Court, upon proof that the tenant or occupier is not to be found within the jurisdiction of the Court by leaving the same with some person being in, and apparently residing at the place of abode of the person or persons so holding over as aforesaid; or if the place of abode of such person or persons shall either not be known or admission thereto cannot be obtained for serving such summons, by posting the said summons on some conspicuous part of the premises so held over.

XCV. No action or prosecution shall be maintainable against the Judges, or against the Clerk of the Court, by whom such warrant as aforesaid shall have been issued, or against any Bailiff or other person by whom such warrant may be executed, or summons affixed, for issuing such warrant, or executing the same respectively, or affixing such summons, by reason that the person by whom the same shall be sued out had not lawful right to the possession of the premises.

XCVI. Where the owner, at the time of applying for such warrant, as aforesaid, had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither the said owner nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser, by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act, but the party aggrieved may, if he think fit, bring an action on the case, for such irregularity or informality, in which the damage alleged to be sustained thereby, shall be specially laid, and may recover full satisfaction for such special damage with cost of suit: Provided that, if the special damage so laid be not proved, the defendant shall be entitled to a verdict, and that, if proved, but assessed at any sum, not exceeding Ten Rupees, the plaintiff shall recover no more costs than damages, unless the Judge, before whom the trial shall have been holden, shall certify that in his opinion full costs ought to be allowed.

XCVII. In every case in which the person, by whom any such warrant shall be sued out of the Court of Small Causes, had not, at the time of suing out the same, lawful right to the possession of the premises, the suing out of any such warrant, as last aforesaid, shall be deemed a trespass by him against the tenant

or occupier of the premises, although no entry shall be made by virtue of the warrant; and in case any such tenant or occupier will become bound with two sufficient sureties, to be approved by the Clerk of the Court, in such sum as to the Judges shall seem reasonable, regard being had to the value of the premises and to the probable cost of such action, to sue the person by whom such warrant was sued out with effect and without delay, and to pay all the costs of the proceeding in such action, in case a verdict shall pass for the defendant, or the plaintiff, shall discontinue or not prosecute his action, or become nonsuit therein, execution upon the warrant shall be stayed until judgment shall have been given in such action of trespass; and, if upon the trial of such action of trespass, judgment be given for the plaintiff, such judgment shall supersede the said warrant.

XCVIII. Recovery of the possession of any such house, land, or tenement shall be no bar to the institution of a regular suit, for trying the title thereunto, which may be brought in the Supreme Court, as if this Act had not been passed.

XCIX. Every bond given on the removal of any action out of the Court of Small Causes, or upon staying, delaying or reversing any judgment or execution awarded therein, or the execution of any such warrant of possession as aforesaid, or on moving for a new trial, or to set aside a verdict, judgment or nonsuit, shall be made to the other party to the action, and shall be approved by the Judges and attested under the seal of the Court; and if the bond so taken be forfeited, or if upon the proceeding for securing which such bond was given, the Judge, before whom such proceeding shall be had shall not certify upon the record in Court, that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made may bring an action of debt and recover thereon: Provided always, that the Court in which such action as last aforesaid shall be brought may, by a rule of Court, give such relief to the parties liable upon such bond as may appear to him reasonable, and such rule shall have the nature and effect of a defeasance to such bond.

C. All actions and proceedings which, before the passing of this Act, might have been brought in the Supreme Court, where any Officer of the Court of Small Causes shall be a party, except in respect of any claim to any goods and chattels taken in execu-

tion of the process of the Court, or the proceeds or value thereof, may be brought and determined in the Supreme Court, at the election of the party suing or proceeding, as if this Act had not been passed.

CI. If any action shall be commenced after the passing of this Act in the Supreme Court, for any cause other than those lastly hereinbefore specified, for which a summons might have been taken out from a Court holden under this Act, and a verdict shall be found for the plaintiff for a sum less than Five Hundred Rupees, if the said action is founded on contract, or less than One Hundred Rupees, if it is founded on wrong, the plaintiff shall have judgment to recover such sum only, and no costs; and if a verdict shall not be found for the plaintiff the defendant shall be entitled to his costs as between Attorney and Client, unless in either case the Judge, who shall try the cause, shall certify on the back of the record that, by reason of the difficulty, novelty or general importance of the case, or of some erroneous course of decision on like cases in the Court of Small Causes, the action was fit to be brought in the Supreme Court.

CII. If any person shall bring any suit in the Supreme Court in respect of any grievance committed by the Clerk, Bailiff, or Officer of any Court holden under this Act, under color or pretence of the process of the said Court, and upon the trial of the action, no greater damages shall be found for the plaintiff than the sum of Five Hundred Rupees, no costs shall be awarded to the plaintiff in such action, unless the Judge shall certify in Court, upon the back of the Record, that the action was fit to be brought in the Supreme Court.

CIII. All penalties, fines and forfeitures by this Act, inflicted or authorized to be imposed (the manner of recovering and applying whereof is not hereby otherwise particularly directed), upon proof before any Justice of the Peace or Magistrate having jurisdiction where the offender shall reside or be, or the offence shall be committed, either by the confession of the party offending or by the oath or affirmation of any credible witness, shall be levied, with the costs attending the summons and conviction, by distress and sale of the goods and chattels of the party offending, by warrant under the hand of any such Justice or Magistrate, and the overplus (if any) after such penalties, fines and forfeitures

and the charges of such distress and sale are deducted, shall be returned, upon demand, unto the owner of such goods and chattels.

CIV. If any such penalties, fines and forfeitures respectively shall not be paid forthwith upon conviction, it shall be lawful for such Justice or Magistrate to order the offender so convicted to be detained in safe custody until return can conveniently be made to such warrant of distress; unless such offender shall give sufficient security to the satisfaction of such Justice or Magistrate for his appearance before him on such day as shall be appointed for the return of such warrant of distress, such day not being more than eight days from the time of taking any such security, which security the Justice or Magistrate shall be empowered to take by way of recognizance, or otherwise, as to him shall seem fit.

CV. If upon return of such warrant it shall appear that no sufficient distress can be had thereupon, or in case it shall appear to the satisfaction of the Justice or Magistrate, either by confession of the offender or otherwise, that he hath not within the Jurisdiction of such Justice or Magistrate sufficient goods and chattels whereon to levy all such penalties, forfeitures, costs and charges, the Justice or Magistrate may, at his discretion, without issuing any warrant of distress, commit the offender to the Common Gaol or House of Correction, for any time not exceeding three calendar months, unless such penalties, forfeitures and fines, and all reasonable charges attending the recovery thereof, shall be sooner paid and satisfied.

CVI. The moneys arising from any such penalties, forfeitures and fines as aforesaid, when paid and levied, shall (if not by this Act directed to be otherwise applied) be, from time to time, paid to the Clerk of the Court, and shall be applied in like manner as the fees thereof.

CVII. In all cases in which by this Act any penalty or forfeiture is made recoverable before a Justice or Magistrate, he may summon before him the party complained against, and on such summons may hear and determine the matter of such complaint; and, on proof of the offence may convict the offender and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same, although no information in writing

shall have been exhibited before him; and all such proceedings by summons without information in writing shall be as valid and effectual to all intents and purposes, as if an information in writing had been exhibited.

CVIII. In all cases where any conviction shall be had for any offence committed against this Act, the form of conviction may be in the words or to the effect following (that is to say): "Be it remembered that on this day of in the year " A. B. is convicted before a Magistrate "for the (or before a Judge appointed under Act IX., "1850) of having (state the offence); and I (or we) the said " do adjudge the said to forfeit and pay for the same the " sum of (or to be committed to for the space " of) given under hand ( ) and seal ( ) the day " and year aforesaid."

CIX. No order, verdict or judgment, or other proceeding, made concerning any of the matters aforesaid, shall be quashed or vacated for want of form.

CX. Where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning, on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

CXI. All actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action is brought, or if after action brought, a sufficient sum of money shall have been paid into Court, with costs by or on behalf of the defendant.

Schedule of Fees.

Sums not above.	Every Summons or Subpœna.		Warrant.	
Rupees.	Rupees.	Annas.	Rupees.	Annas.
10	0	2	0	2
20	0	4	0	4
50	0	8	0	8
100	1	0	1	0
200	1	4	2	0
300	1	8	3	0
400	1	12	4.	0
500	2	0	5	0

ADEN.—COMMERCIAL.

ACT No. X. OF 1850.

[*Passed on the* 15*th March*, 1850.

1. Aden declared a free Port. No customs duties to be payable there.
2. Aden not be within Act 6, 1848.

An Act to declare Aden a free Port.

Whereas the trade between the Western Coast of India and the Red Sea and places thereunto adjacent will be improved by encouraging the resort of Vessels of all nations to the Port of Aden in Arabia, it is declared and enacted as follows:

I. The Port and Settlement of Aden in Arabia, is a free Port and Settlement: and no duty of Customs is payable there on any Ship or other Vessel, or on any Goods lawfully carried by sea or land to or from the said Port and Settlement.

II. The said Port of Aden shall not be taken to be within the provisions of Act VI., 1848.

Repealed by Act VI., 1863.

NAVIGATION LAWS.

ACT No. XI. OF 1850.

[*Passed on the* 15*th March*, 1850.

Amends Act 10, 1841.

1 Repeals S. 13, Act 10, 1841.

2 Passes under Act, 10, 1841, S. 24, conferring privileges of a British Ship, may be granted to Ships belonging to Native Princes or States, wherever built.

3. Ships owned by British Subjects or Native Princes or States, who are respectively entitled to registry or passes under previous laws may be registered, whatever be their rig or tonnage.

4. Fees to be paid for certificate of Registry.

5. Act to be construed as part of Act 10, 1841.

An Act to amend Act X., 1841.

For amendment of Act X., 1841, it is enacted as follows:

I. Section XIII. of Act X., 1841, is repealed.

II. The Passes which, under Section XXIV. of the said Act, may be issued for conferring the privileges and advantages of a British Ship, in certain cases, to any ship or vessel built within the dominions of a Native Prince or State in subordinate alliance with, or having subsidiary treaties with the East India Company, may, after the passing of this Act, be issued in the like cases, and under the same restrictions, to any ship or vessel belonging to any such Native Prince or State, or their subjects, wherever the same may have been built.

III. All ships or vessels, of whatever rig and of whatever tonnage, owned by British Subjects, entitled to registry under Act X., 1841, or owned by such Native Princes or States or by their subjects entitled to Passes under Act X., 1841, as amended by this Act, employed only in coasting voyages, or between any port of the Continent of India and the Island of Ceylon, may be registered and obtain Passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Governor or Governor in Council of each Presidency.

IV. The owners of coasting vessels, registered under Section III. of this Act, shall pay for each Certificate of Registry—

For a vessel not exceeding the burthen of four tons, one Rupee.

Exceeding four tons and not exceeding twenty tons, five Rupees.

Exceeding twenty tons, and not exceeding eighty tons, seven Rupees.

Exceeding eighty tons, for each ton two annas.

Which fees shall be carried to the credit of the Government of the Presidency in which they are levied.

V. This Act shall be construed with and as part of Act X., 1841.

PUBLIC ACCOUNTANTS.

ACT No. XII. OF 1850.

[*Passed on the 22nd March, 1850.*

1. Public Accountants to give security for due performance of duties.

2. If not regulated by Act, the security to be such as may be required by person appointing the Accountant.

3. Defines who shall be a deemed a Public Accountant.

4, 5 Public Accountant in arrear, his securities may be proceeded against as for land revenue in arrear; and (5) all regulations for recovery of land revenue to apply to the case.

6. Summary sales of land before this Act, made valid sub modo.

For avoiding loss by the default of Public Accountants.

For better avoidance of loss through the default of Public Accountants, it is enacted as follows:

I. Every Public Accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or control, by reason of his office.

II. In default of any Act having special reference to the office of any Public Accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties (regard being had to the nature of the office), as shall be required by any rules made or to be made from time to time, by the authority by which each Public Accountant is appointed to his office, subject to the approval of the Governor or Governor in Council of the Presidency or place.

III. Every person is a Public Accountant within the meaning of this Act, who, by reason of any office held by him in the service of the East India Company is entrusted with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to the East India Company, or as Official Assignee or Trustee, or as Surberakar, or in any other official capacity, with the receipt, custody or control of any money or securities for money, or the management of any lands belonging to any other person or persons.

IV. The person or persons at the head of the office to which any Public Accountant belongs, may proceed against any such Public Accountant and his Sureties, for any loss or defalcation in his accounts, as if the amount thereof were an arrear of land revenue due to Government.

V. All Regulations and Acts now or hereafter to be in force for the recovery of arrears of land revenue due to Government, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such Public Accountant.

VI. All sales of Estates, summarily sold before the passing of this Act, in satisfaction of the security bonds of any Public Accountant within the meaning of this Act, shall be deemed as good and valid, and be as liable to be reviewed and annulled, as if such Estates had been sold under authority of this Act, and no further or otherwise.

BREACHES OF TRUST.

Act No. XIII. of 1850.

[*Passed on the* 22*nd March*, 1850.

1. Public Officers entrusted with receipt of money, &c., embezzling the same or fraudulently applying it, &c., to be deemed guilty of stealing.

2. Describes the classes of persons who shall be deemed within the foregoing section.

3. Repeals 9 C. 74, Ss. 99, 100, 101, 102, 103 and 104.

4. Clerk or Servant guilty of stealing, to be punishable as under this Act.

5. Clerk or Servant guilty of embezzling shall be deemed to have stolen.

6. Members and Officers of trading Company, Bankers, Merchants, &c., employed as Agents to sell, &c., fraudulently applying proceeds of sale, &c., to be deemed to have feloniously stolen such proceeds.

7. Such Agents, &c., of the persons mentioned in last section fraudulently misapplying property to other purposes than those for which their principals held it, to be deemed to have stolen the same.

8. Every person having the receipt of chattels, &c., and embezzling, &c., same, in breach of trust, to be deemed to have stolen same.

9. Persons convicted of stealing under this Act, liable to transportation for life, or imprisonment, &c., for not exceeding seven years.

10. What shall be deemed valuable securities within this Act

11. Any number of offences against this Act, committed within six months of one another, may be included in one Indictment Deficiency in accounts explained to be evidence of offence.

12. How securities or money may be described in the Indictment.

13. How the person interested in the property may be described in the Indictment

14. Empowers the Court to amend the Indictment in case of variance.

15. Offender under this Act may be tried in place where offence was committed or where he is in custody.

16. Punishment of offender not to affect liability of sureties.

17. If charge of embezzling fails, but it appears that account, &c., was falsely made up, offender may be fined.

For Punishing Breaches of Trust. (*a*)

For the Punishment of Breaches of Trust, it is enacted as follows:

I. Every person employed in the public Service of Her Majesty, or of the East India Company, and entrusted, by reason of such employment, with the receipt, custody or control of any chattel, money, or valuable security, who shall embezzle the same or any part thereof or in any manner fraudulently apply, use or dispose of the same, or any part thereof, for any purpose other than a purpose to which the same is applicable under the trust reposed in him, shall be deemed to have feloniously stolen the same.

II. All Official Trustees, Assignees and Receivers of Money, by virtue of their several offices or appointments, all Justices of the Peace, Coroners and other persons, receiving by virtue of their offices or appointments any fines, forfeitures, penalties or other moneys, on behalf of Her Majesty or of the East India Company, all Sheriffs, under-Sheriffs, Bailiffs, Officers and other persons employed to levy money in execution of the Judgment or order of any Court; or in receiving any taxes or other moneys directed to be levied by any Regulation of the Governor or Governor in Council of any Presidency or Place, or by any Act of the Governor General of India in Council, and also all Subordinate Officers and Servants employed in the office or service of any of the persons hereinbefore enumerated, and entrusted with money in the course of such employment, are declared to be persons employed in the public service within the meaning of

(*a*) This Act is contained in the Schedule of Repealed Acts, in Act XVII., 1862. By Section 1 of the repealing provisions, the Scheduled Acts are repealed so far as they provide for the punishment of offences. This Act XIII., 1850, provides for the punishment of offences, and therefore is repealed. But the intention probably was that the repeal should operate only where the Penal Code provides punishments; and it is a difficult question of construction whether offences are not created by this Act XIII., 1850, which are not offences by the I. P. C. This Act, therefore, is retained here.

this Act: but this special enumeration of some of the persons included in the general description of persons in the public service of Her Majesty or the East India Company, shall not be taken to abridge the meaning of that general description.

III. The Clauses respectively numbered XCIX., C., CI., CII., CIII and CIV., in an Act of Parliament passed in the ninth year of the Reign of King George the Fourth, intituled An Act for improving the Administration of Criminal Justice in the East Indies, are repealed, except as to all things done or forborne to be done before the passing of this Act.

IV. Every Clerk or Servant, who shall steal any chattel, money or valuable security, belonging to, or in the possession or power of his Master, shall be punishable in the same manner as persons convicted of felonious stealing under this Act.

V. Every Clerk or Servant, or any person employed for the purpose, or in the capacity of a Clerk or Servant, who shall by virtue of such employment, receive or take into his possession any chattel, money or valuable security, for or in the name or on the account of his Master, and who shall fraudulently embezzle the same or any part thereof, shall be deemed to have feloniously stolen the same from his Master, although such chattel, money or security was not received into the possession of his Master, otherwise than by the actual possession of his Clerk, Servant or other person so employed.

VI. Every Member and Officer of a Trading Corporation or Company, and also every Banker, Merchant, Factor, Broker, Attorney or other Agent, whether he be commonly so employed or be employed as an Agent in that instance only, and whether he act as such Agent gratuitously or otherwise, to whom any chattel, money or valuable security is entrusted for safe custody, or for any special purpose, and whether with or without any authority to sell, negotiate, pledge or employ the same, but with an authority limited to some defined purpose as to the application of such money, chattel, or valuable security, or of any part thereof, or of the proceeds or of any part of the proceeds thereof, who shall fraudulently apply, use or dispose, of the same or any part of the proceeds thereof, for any purpose other than a purpose for which the same was entrusted to him, shall be deemed to have feloniously stolen the same.

VII. Every Sub-Agent, Clerk or Servant of any such Trading Corporation or Company, or of any Banker, Merchant, Factor, Broker or other Agent as aforesaid, who, knowing the purpose for which such chattel, money or valuable security was entrusted to the Corporation, Company, Person or Persons, by whom he is employed, shall fraudulently apply, use or dispose of the same, for any purpose other than a purpose for which the same was entrusted to his employer or employers, shall be deemed to have feloniously stolen the same though he were not himself immediately employed or entrusted with the disposition thereof by the person entitled thereto.

VIII. Every person possessed, or having the receipt, custody or control, of any chattel, money or valuable security, in trust for any other person or persons, who shall embezzle the same or any part thereof, or in any manner fraudulently apply, use or dispose of the same, for his own use or benefit, in breach of the trust reposed in him, shall be deemed to have feloniously stolen the same.

IX. Every person convicted of having feloniously stolen any chattel, money or valuable security under this Act, shall be liable to be transported out of the Territories under the Government of the East India Company for life, or to be imprisoned with or without labour for any term not exceeding seven years.

X. Every instrument entitling or shewing the title of any person to any share or interest in any public stock or fund of any Country or State, or in any Stock of any Corporation or Company, or for the transfer of any such share or interest, or for the receipt of any dividend or interest on any such share, or entitling or shewing the title to any deposit in any Bank, and every warrant, order or instrument for the payment of any money on any event, certain or contingent, or for the delivery or receipt of any goods or merchandize, or any such event, is a valuable security within the meaning of this Act.

XI. Any offender under this Act may be proceeded against on the same charge for any number of distinct acts of embezzlement or fraudulent application, use or disposition as aforesaid, committed by him within six calendar months, from the first to the last of such acts: and proof of a gross deficiency in the accounts of any such Trustee or Public Servant, shall be

evidence of the offence charged, until such deficiency is otherwise explained.

XII. If the offence relates to money or to any Bank Note, Bank Post Bill, Banker's Cheque, Bill of Exchange, Promissory Note, Government Paper or other like security for the payment of money, it shall be enough in the indictment or charge to allege the embezzlement or fraudulent application, use or disposition of money, without specifying any particular coin or valuable security; and such allegation shall, so far as regards the kind of property, be sustained, if the offender is proved to have embezzled or fraudulently applied used or disposed of any amount of money or any valuable security, though the particular kind of coin or valuable security, of which such amount was composed shall not be proved.

XIII. It shall not be necessary, in any proceeding against any offender under this Act, to declare the person to whom the property embezzled or fraudulently applied or disposed of belongs otherwise than hereinafter provided, or to give any other description of it than by stating its general character according to the provisions of this Act; and if the offence be that of embezzlement or fraudulent application, use or disposition, by a person in the public service of the Crown, or of the East India Company, of property entrusted to him by reason of such employment, or part thereof, it shall be enough to state that the defendant was in such service, and that he received the property by reason of such employment, and embezzled the same, or part thereof, or fraudulently applied, used, or disposed of the same, as the case may be; and, if the case be one of fraudulent application, use or disposition by any person not being such public servant but entrusted as aforesaid, it shall be enough to state that such person was entrusted with the property (describing its general character as aforesaid), and it shall be enough to state shortly the purpose of the trust, and that he fraudulently applied, used or disposed of the same contrary to his duty in that behalf.

XIV. The Court before which any offender is tried under this Act shall have power upon the trial to make any amendments that may be necessary, by reason of any variance between the statements of the charge and the evidence, either in the description of the property, or of any person, or of any office, appointment,

or employment, or of the purpose of the trust or otherwise, when in the opinion of the Court the person charged cannot have been misled as to his defence by such imperfect or erroneous statement.

XV. Every offender under this Act may be tried and punished by any Court of competent jurisdiction either in the place where he is in custody, or where he committed the offence.

XVI. The punishment of any offender under this Act shall not be deemed to take away or lessen his liability or the liability of his sureties to make good any losses sustained by Her Majesty or the East India Company, or any other person or persons by his misbehaviour or breach of trust.

XVII. Every person charged with a felonious breach of trust under this Act, who shall be proved to have knowingly made up or furnished false statements or accounts of the sums of money received or paid by him or entrusted to his care, or of the goods or balance of money in his custody or control, shall be liable to fine in the discretion of the Court, although no actual embezzlement or fraudulent application, use or disposition of trust, moneys, chattels or valuable securities is proved against him, and in addition to such fine may be imprisoned, with or without labour, as the Court shall adjudge, for any term not exceeding one year; but no person convicted of felonious breach of trust as aforesaid, shall be punished also for making up false accounts in connection with the same breach of trust.

Repealed by Act XVII., 1862, Section I., so far as relates to the punishment of offences, not expressly as to the offences themselves. But the Indian Penal Code has a chapter on Criminal Breach of Trust.

STRAITS' SETTLEMENTS.—CRIMINAL LAW.

ACT NO. XIV. OF 1850.

[*Passed on the 22nd March*, 1850.

1, 2. Powers given by Acts 21, 1839, and 3, 1842, to Calcutta Justices for trial of specified offences, extended to Justices of Straits' Settlements

3. Magistrate or J. P. to be deemed a Magistrate within Act III., 1844.

4. Persons summoned as Witnesses and refusing to attend, &c., to be fined by any Magistrate or J. P.

An Act for assimilating the Penal Jurisdiction of Police Magistrates at the Straits' Settlements to that of Justices of the Peace at Calcutta.

Repealed by Act XIII., 1856.

BENGAL.—MOONSIFFS.

Act No. XV. of 1850.

[*Passed on the 4th April,* 1850.

1. Ss. 10 and 12 of R 26, 1814, extended to suits instituted in Moonsiffs' Courts.
2. Act 12, 1843, to apply to the Moonsiffs' Courts.

An Act to extend the operations of Sections X. and XII., Regulation XXVI., 1814, of the Bengal Code.

Repealed by Act X., 1861.

CRIMINAL LAW.

Act No. XVI. of 1850.

[*Passed on the 4th April,* 1850.

1. Persons convicted of robbery and other offences against property, may be fined, &c, in addition to other punishment.
2. Fines under this Act may be levied by distress and sale of goods.

Repealed by Act XVII., 1862.

BOMBAY AND COLABA.

Act No. XVII. of 1850.

[*Passed on the 4th April,* 1850.

Extends Ss. 15 to 21 inclusive, of Act 28, 1839, to empower the Petty Sessions to take land in the Island for public purposes.

An Act for taking land in Bombay and Colaba for public purposes.

For enlarging the powers of Act XXVIII., 1839, for taking any ground within the Islands of Bombay and Colaba, for any

new public road or thoroughfare, for the purpose of enabling the Government to take land needed for any railway for the conveyance of goods or passengers within the said Islands, the construction of which may be sanctioned by Parliament or by the Government of India, and for other public purposes, it is enacted as follows:

I. Section XV. to XXI., both inclusive, of Act XXVIII., 1839, shall extend to enable the Court of Petty Sessions, with the sanction of the Governor of Bombay in Council, to take any ground or building within the Islands of Bombay and Colaba, which may be needed by the Governor of Bombay in Council for any railway for the conveyance of goods or passengers, the construction of which is or shall be sanctioned by Parliament, or by the Government of India, or for any other purpose which shall be declared to be a purpose of public utility by the said Governor in Council; and thereupon the East India Company shall become and be the legal owners of the said ground or building, and every other person theretofore interested in the premises shall be divested of all right, title and interest to and in the same.

Repealed by Act VI., 1857.

PROTECTION OF JUDICIAL OFFICERS.

ACT No. XVIII. OF 1850.

[*Passed on the 4th April,* 1850.

1. No Judge, &c., acting judicially to be liable to be sued for judicial acts within or without limits of his jurisdiction, if in good faith he believed he had jurisdiction. Same immunity to Officers acting in execution of orders of Judicial Officers.

An Act for the protection of Judicial Officers.

For the greater protection of Magistrates and others acting judicially, it is enacted as follows:

1. No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: provided that he at the time, in good faith,

believed himself to have jurisdiction to do or order the act complained of: and no Officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same

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BINDING APPRENTICES.

ACT No. XIX. OF 1850.

[*Passed on the* 11*th April*, 1850.

1. Any child above 10 and under 18 may be bound by his Father, Guardian, &c., for not exceeding 7 years, but to end at age of 21, or marriage, if a female.

2. The Apprentice-deed, to be conclusive of age in favor of Master.

3. Magistrate or Justice of the Peace to have all power of a guardian under this Act, as to certain children.

4. Poor Child brought up by any Public Charity may be bound by the Governors, &c.

5, 6. Boys may be bound to sea service, and (6) to sea service of East India Company.

7. Master of ship to be deemed the agent of owner for purpose of this Act.

8, 9, 10. Prescribes the form of Contract of apprenticeship, (9) contract to be signed by whom, and (10) deposited in office of Chief Magistrate, &c.

11. Terms of service may be changed, or contract be determined, &c., by writing on the contract, &c.

12. Master may assign Apprentice with his consent to other person, provided acceptance of Apprentice by assignee is endorsed on contract, &c.

13, 14. Upon complaint by or on behalf of Apprentice, of specified breaches of duty by Master, Magistrate may summon Master and examine into the matter, and cancel the contract and assess allowance for apprentice, &c.; but (14) reasonable chastisement of Apprentice by Master not to be a ground for cancelling contract, and cancellation not to bar criminal liability of Master.

15, 16. Upon complaint by, or on behalf of Master, of specified misconduct of Apprentice, Magistrate may issue warrant against latter, and punish him by imprisonment, or whipping, or keeping on bread and water, &c., and (16) in case of wilful and repeated ill behaviour, contract may be cancelled, &c

17 How money recovered from Master on behalf of Apprentice may be applied

18. No complaint against Apprentice to be entertained unless brought within one month, nor against Master unless brought within 3 months after cause arose, &c.

19, 20. Death of Master to determine the contract, and proportionate part of premium to be returned unless Executors offer to keep the Apprentice; such offer (20) to be certified in the original contract.

21 Apprentice entitled to maintenance for three months after death of Master, if he continues service.

22. Bankruptcy of Master to put an end to contract, and premium may be recovered from his estate.

23, 24. British Subjects to be amenable for purposes of this Act to Courts of East India Company, and (24) order of Magistrate may be appealed against to Session's Judge.

25. Interprets words.

Schedule A. Form of agreement.

Schedule B. Form of order of assignment.

Concerning the binding of Apprentices.

For better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts and employments, by which, when they come to full age, they may gain a livelihood, it is enacted as follows:

I. Any child, above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment, for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female beyond the time of her marriage.

II. The age set forth in the contracts shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

III. Any Magistrate or Justice of the Peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him, or any other Magistrate of vagrancy, or the commission of any petty offence.

IV. An orphan or poor child, brought up by any public charity may be bound apprentice by the Governors, Directors or Managers thereof, as his or her guardians for this purpose.

V. Any such boy may be bound as an apprentice in the sea service to any of her Majesty's subjects being the owner of any

registered ship belonging to and trading from any port in the Territories under the Government of the East India Company, which has been declared to be a registering port under Act X., 1841, to be employed in any such ship the property of such person, commanded by a British subject, and, while so employed, to be taught the craft and duty of a seamen.

VI. Any such boy may be bound in like manner for sea service in any ship of the East India Company belonging to any such port, commanded by a British subject, in which case the contract shall be made with the Master Attendant at such port, or any officer appointed to represent the East India Company in this behalf, who shall appoint the ship in which such apprentice is to serve from time to time.

VII. The Master or Commander of any ship in which an apprentice bound to the sea service, shall be appointed to serve by the party to whom he is bound, shall be deemed the agent of such party for the purpose of this Act.

VIII. Every contract of apprenticeship shall be in writing, according to the form given in the Schedule (A.) annexed to this Act, or to the like effect, which shall set forth the conditions agreed upon, particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

IX. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding; but, when the apprentice is bound by the Governors, Directors or Managers of a Public Charity, the signature of two of them, or of their Secretary or Officer, shall be sufficient on behalf of the persons binding the apprentice.

X. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the Chief Magistrate of the place or district where it has been executed, or if the apprentice is bound to the sea service, in the office of the person appointed under Act X., 1841, to make registry of ships at the port where the apprentice is to begin his service; and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence

of the contract, without formal proof of the hand-writing of the Magistrate or Registering Officer.

XI. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice, if he is above the age of fourteen years; provided, that the changes agreed to or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to Section VIII. of this Act; and the Magistrate or Registering Officer shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

XII. The master of any apprentice bound under this Act, may with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person, who is willing to take him for the residue of his apprenticeship, and subject to the condition thereof; provided that such person shall by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively: And every such assignment shall be certified on the office copies of the contract under the hand of the Magistrate or Registering Officer according to the form given in Schedule (B.) annexed to this Act.

XIII. Upon complaint made to any Magistrate in the said Territories, by or on behalf of any apprentice bound under this Act of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master or by the agent under whom he shall have been placed by his master, the Magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not (service of the summons being proved), may examine into the matter of the com-

plaint; and upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium, or a less premium than Fifty Rupees was paid, not exceeding Two Hundred Rupees: and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

XIV. No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child, and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child; whether or not any proceedings be taken for cancelling the contract of apprenticeship.

XV. Upon complaint made to any Magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the Magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate shall order; and, if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped; or, if the offender be a girl, or in the case of any boy, the Magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, or on board the vessel to which he belongs, upon bread and water, or such other plain food as may

be given without injury to the health of the apprentice, for a period not exceeding one month.

XVI. Upon complaint of wilful and repeated ill-behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved; and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

XVII. The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

XVIII. No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; or, if the cause of complaint arose on board ship during a voyage, within one month after the arrival thereof at a port or place in the said territories; and no Magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose; or if the cause of complaint arose on board ship during a voyage, within three months after the arrival thereof at a port or place in the said Territories.

XIX. If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium, which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the executors or administrators out of the estate of the deceased to the person or persons who shall have paid the same; unless the executors or administrators of the deceased master shall continue the business in which such

apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

XX. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the executors and administrators on the original contract of apprenticeship, and also on the office copies thereof, by the Magistrate or Registering Officer; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

XXI. Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months from and after the death of his master, out of the assets left by him; provided that during such three months such apprentice shall continue to live with and serve as an apprentice the executors or administrators of such master, or such person as they shall appoint.

XXII. The apprentice of any person against whom a Commission of Bankruptcy shall be issued, or who shall be adjudged to have committed an Act of Insolvency, during the apprenticeship, shall be discharged from all obligation under the contract of apprenticeship; and if any premium was paid on binding him as an apprentice, he or the person by whom he was bound shall be entitled to claim the amount thereof, as a debt against the estate of the bankrupt or insolvent.

XXIII. For the purpose of this Act all British subjects, wherever or of whatever parents born, as well as other persons in the Territories under the Government of the East India Company, without the Towns of Calcutta and Madras, and the Town and Island of Bombay, shall be amenable to the jurisdiction of the Courts and Magistrates of the East India Company.

XXIV. An appeal shall lie from any order passed by any Magistrate without the said Towns and Island to the Court of Session to which such Magistrate is subordinate, provided the appeal is made within one month from the date of the order.

XXV. In this Act the words "master," "owner," "person," and the pronoun "he," shall be understood to include several

persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE A.

FORM OF AGREEMENT.

This Agreement made the day of in the year between A. B., of and C. D., of witnesseth that the said A. B., doth this day bind E. F., a boy (or girl) of the age of years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand), to dwell with and serve the said C. D., as an apprentice, from this day forth for years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly, and obediently, in all things toward the said C. D. and his (or her) family. And the said C. D. for himself (or herself) and his (or her) executors and administrators, in consideration (of the premium or sum of paid by the said A. B., to the said C. D., the receipt whereof the said C. D. hereby acknowledges, and) of the faithful service of the said E. F, doth covenant and agree with the said A. B., his (or her) executors and administrators, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary, fit and reasonable for an apprentice: (and further, here insert any special covenants)

If there is no premium the words between brackets may be omitted.

In witness whereof the parties have hereunto set their hands and Seals, the day and year above written.

A. B. (L. S.)

C. D. (L. S.)

SCHEDULE B.

Form of Order of Assignment.

(To be endorsed on the Agreement.)

Be it known to all men that on the day of in the year personally appeared before G. H., Magistrate of C. D, of with E. F., his (or her) apprentice, and J. K., of and desired that the agreement of apprenticeship, whereby the said E. F. was bound to the said C. D., might be assigned and made over to the said J. K., and the said G. H. having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignnent is for the benefit of the said E. F., and is made with the consent of (the said E. F., and of) all persons whose consent thereunto by law is required, doth allow such assignment: and the contract of apprenticeship whereby the said E. F. was on the day of in the year bound to the said C. D., as an apprentice to learn the trade (craft or employment) of a shall henceforth endure, unto the end of the said term, as if the said J K. had been originally party to the said deed, and had executed the same, in the place and instead of the said C. D., and shall be bound, for himself (or herself) his (or her) executors or administrators, to fulfil the covenants by the said C. D., to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

If E. F. is not above the age of fourteen years, the words between brackets may be omitted.

C. D. E. F. J. K.

In witness whereof the said C. D., E. F. and J. K. have hereunto set their hands before me the day and year above written.

G. H., Magistrate.

CUTTACK.—BOUNDARIES.

Act No. XX. of 1850.

[*Passed on the* 11*th April*, 1850.

Disputes about the boundaries of Zemindaries to be tried by Superintendent of Tributary Mehals according to instructions from Government, &c.

An Act for settling the boundaries of the Tributary Mehals in Cuttack.

Whereas certain jungle or hill Zemindaries in the Zillah of Cuttack, enumerated in Section XXXVI., of Regulation XII., 1805, of the Bengal Code, and the Territory of Mohurbunge, in the same Zillah, were temporarily exempted by the said Regulation from the Regulations relating to the settlement and collection of the public revenue, and by Regulation XIII., 1805, of the Bengal Code, were temporarily exempted from the Laws and Regulations for the maintenance of the Police, and for the administration of justice in criminal cases, and whereas doubts have been entertained how disputes as to the boundaries of the said Zemindaries are to be determined, it is enacted as follows:

I. Every case in which the boundaries between any of the said Zemindaries, or the Zillahs of Boad and Atmullick, and an estate subject to the Regulations of the Bengal Code, shall be in dispute, shall be heard, tried, and determined in the first instance by the Superintendent of the Tributary Mehals, in Zillah Cuttack, according to such instructions as he shall, from time to time, receive from the Governor of Bengal, and his award, when confirmed by the Governor of Bengal, shall be final and conclusive, and shall be carried into execution by the Superintendent of Tributary Mehals, by giving possession of the land in dispute to the parties entitled under his award.

FREEDOM OF RELIGION.

ACT No. XXI. OF 1850.

[*Passed on the* 11*th April*, 1850.

Recites expediency of extending S. 9 of R. 7, 1832, of Bengal Code.

1. Annuls any Law inflicting forfeiture of rights or inheritance, by reason of loss of Caste through change of Religion, &c.

An Act for extending the principle of Section IX., Regulation VII., 1832, of the Bengal Code, throughout the Territories subject to the Government of the East India Company.

Whereas it is enacted by Section IX., Regulation VII., 1832, of the Bengal Code, that "whenever in any civil suit the parties to such suit may be of different persuasions, when one party shall

be of the Hindoo and the other of the Mahommedan persuasion, or where one or more of the parties to the suit shall not be either of the Mahommedan or Hindoo persuasions; the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled;" and whereas it will be beneficial to extend the principle of that enactment throughout the Territories subject to the Government of the East India Company, it is enacted as follows:

I. So much of any law or usage now in force within the Territories subject to the Government of the East India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as Law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said Territories.

GOVERNOR GENERAL.

ACT No. XXII. OF 850.

[*Passed on the* 13*th April*, 1850.

1. During absence from Council, Governor General alone may exercise all powers except those of making laws, &c.

2. Act to commence from date of official announcement that Governor General has quitted Calcutta, &c.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Expired.

CALCUTTA.—LAND REVENUE.

ACT No. XXIII. OF 1850.

[*Passed on the* 8*th June*, 1850.

1. All Assessable lands to be Assessed at rate of 3 annas per Cottah.

2. Lakhiraj tenures of sixty years' existence to be valid, no others.

3. Collector may levy land Assessment by distress and sale of goods, &c., of lessee or owner, or of tenant, under Act 7, 1847.

4. Tenant paying land revenue may deduct it from his rent.

5. Claim of East India Company for land revenue to take priority over all other claims.

6. If claim is disputed, process not to be stayed unless the amount is deposited with the Collector.

7. Arrears of rent or revenue to be recoverable in six years, &c., but not afterwards.

8. Collector to enquire into ground of claim to hold land free of Assessment, and report to Commissioner, and Commissioner's decision to be final if in favor of exemption, if against it, land to be Assessed and claimant to be left to contest the Assessment in Civil Court.

9. Persons obstructing, &c., Collector, &c., to be liable to fine and in default of payment to imprisonment.

10. Collector may punish any contempt by fine, &c., subject to appeal to the Commissioner.

11. Collector to act under control of the usual Revenue Authorities.

12, 13. Excludes jurisdiction of Supreme Court as to ground rents of East India Company in Calcutta, and (13) all actions concerning any trespass or injury by officer acting under this Act., &c., to be tried in East India Company's Court of the 24 Pergunnahs.

14. Interprets the words "Collector" and "Commissioner."

An Act for securing the Land Revenue of Calcutta.

Whereas it is expedient that the Land Revenue, accruing due to the East India Company within Calcutta, be ascertained and collected in as summary a manner as in other parts of the Territories under the Government of the East India Company, it is declared and enacted as follows:

I. All Assessable Lands, not the property of the East India Company, within the Town of Calcutta, of which the rate of Assessment is not known, or which have not heretofore been assessed, shall be assessed at the rate of three annas for each Cottah.

II. Lakhiraj tenures of Land in Calcutta, of which uninterrupted possession has been held, exempt from Assessment for sixty years, shall be valid: no other Lakhiraj tenures of Land in Calcutta shall be deemed valid, unless the same are or shall be held under an unexpired grant from the British Government.

III. If any owner of Land within Calcutta, or any person holding Land within Calcutta on lease from the East India Company shall, upon the written demand of the Collector, refuse or neglect to pay any sum at which the Land is assessed, or for which he is liable under his lease, the Collector may levy the

same by distress and sale of the Goods and Chattels, wherever found, of such owner or lessee, or, after written demand upon the tenant or occupier, and his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any Goods and Chattels found upon the land, in the manner appointed for regulating distress for small rents in Calcutta by Act VII., 1847, and, for the purpose of any such distress and sale, the Collector shall have all the powers of a Commissioner of the Court for Recovery of Small Debts referred to in the said Act, and the Collector shall have power to appoint any of his Officers to perform the duties of Bailiffs and Appraisers, and of the Chief Clerk of the said Court as provided by the said Act, and all the provisions of the said Act relating to the said Commissioners and their Court shall be deemed to apply to the said Collector and his Office in the execution of this Act.

IV. In the case of payment by any tenant or occupier, not holding immediately under the East India Company, or the seizure and sale of his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

V. The claim of the East India Company for Land Revenue or rent has priority over all other claims upon the land or to which property distrained upon the land may be liable.

VI. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

VII. Arrears of rent or revenue which shall become due to the East India Company within the Town of Calcutta, after the passing of this Act, shall be recoverable at any time within six years next after the same are due, or next after an acknowledgment of the same in writing has been given by the person by whom the same is payable, or his Agent, and not afterwards.

VIII. When a claim to hold Land Lakhiraj, or free of Assessment, shall be set up under this Act, the Collector shall inquire into the claim, taking such evidence as the claimant may offer, or the Public Records supply, and shall report his proceedings and decision in the case for the consideration of the Revenue Commissioner. If the Commissioner is satisfied of the validity of the claim, he shall make an order accordingly, and such order shall be final. If he is not satisfied of the validity of

the claim, he shall direct the Collector to assess the Land, leaving the claimant to contest the Collector's demand in the Civil Courts as herein provided.

IX. Any person obstructing or molesting the Collector, or any of his Subordinate Officers in the execution of their duty, shall, on conviction before a Magistrate of the Town of Calcutta, be liable to a fine not exceeding Five Hundred Rupees, and in default of payment to imprisonment in the Common Gaol for a term not exceeding six months, or until the fine is sooner paid.

X. The Collector may punish any contempt committed in his presence, in open Cutcherry or Office, by fine, not exceeding Two Hundred Rupees, and in default of payment by imprisonment in the Common Gaol for a term not exceeding one month; from every such order or fine or imprisonment an appeal shall lie to the Commissioner, whose decision shall be final.

XI. The Collector shall act in the execution of this Act under the usual control of the Superior Revenue Authorities.

XII. The Ground Rents payable to the East India Company form Lands in Calcutta are Revenue, within the meaning of the Act of Parliament, 21 Geo. III., c. 70, and the Supreme Court of Judicature established by Royal Charter at Fort William, in Bengal, has not any civil jurisdiction concerning the said Ground Rents, or concerning any thing ordered or done in the Assessment or collection thereof.

XIII. All actions concerning any trespass or injury committed by any Revenue Officer acting under colour of this Act, or concerning any claim in respect of any goods taken by or any moneys paid to any Revenue Officer under this Act, or concerning any claim of rent or revenue on the part of the East India Company under this Act, shall be tried and determined in the Civil Courts, established by the East India Company at the Sudder Station of the Twenty-four Pergunnahs: notwithstanding that the cause of action, in respect of which such action is brought, arose, or the defendant therein reside, within the limits of the Town of Calcutta: and every such action shall be brought within six months after the cause of action arose, and not afterwards.

XIV. The words "Collector" and "Commissioner" used in this Act shall be taken to mean any person lawfully appointed to exercise the powers of Collector and Commissioner respectively.

BOMBAY.—TOBACCO DUTY.

ACT No. XXIV. OF 1850.

[*Passed on the 8th June,* 1850.

1. Repeals Rs. 33, 1827, and 15 of 1828, of the Bombay Code, and part of Act 1, 1838, respecting import duty on Tobacco.
2. Tobacco imported into the Island to be liable to Customs duty of 7-8 per maund, &c.
3. Drawback allowed only on Tobacco exported from Custom House Warehouse, &c.
4. Reserves other Acts for imposing penalties, &c.

An Act for better defining the special duty levied on Tobacco in Bombay.

Whereas the laws in force respecting the special duty payable on Tobacco imported into Bombay are obscure, and require to be explained and amended, it is declared and enacted as follows:

I. Regulations XXXIII., 1827, and XV., 1828, of the Bombay Code, and so much of Act I., 1838, as relates to the customary or special duty levied on the import of Tobacco into the Island of Bombay, are rescinded and repealed.

II., III., IV. Repealed by Act IV., 1857.

BENGAL.—LAND REVENUE.

ACT No. XXV. OF 1850.

[*Passed on the 14th June,* 1850.

1. Repeals part of S. 9, R. 8, 1819, and of Ss. 5 and 9 of Act 4, 1846.
2. Forfeited deposits to belong to Government.

An Act for the forfeiture to Government of deposits made on incomplete Sales of Land under Regulation VIII., 1819, and Act IV., 1846.

Whereas Putneedars and Judgment Debtors fraudulently avail themselves of the provision in Section IX., Regulation VIII., 1819, of the Bengal Code, and in Section V., Act IV., 1846, that forfeited deposits at Sales of Land in execution of decrees or for arrears of rent shall be applied as if they were purchase money, it is enacted as follows:

I. So much of Section IX., Regulation VIII., 1819, of the Bengal Code, and of Sections V. and IX, Act IV., 1846, as provides that the deposit at any sale of Land, or any interest in Land, under the said Regulation or Act, if forfeited, shall be regarded as part of the proceeds of the sale, or applied as if it were purchase money, is repealed.

II. Any such forfeited deposits shall be applied to defray the expenses of the sale, and the surplus shall be forfeited to Government.

Modified by Act VI., 1853, s. 10, which has been repealed by Act VIII., 1865 of the Bengal Council.

Repealed by Act X., 1861, so far as relates to forfeited deposits, &c.

IMPROVEMENTS IN TOWNS.

ACT No. XXVI. OF 1850.

[*Passed on the* 21*st June*, 1850.

1. Repeals Act 10, 1842.

2. Act may be put in force by order of Local Government wherever inhabitants desire it.

3, 4. Notice of application to Government to be advertised in order that inhabitants may declare their wishes, and (4) decision of Local Government therein to be final.

5. Act to come in force from publication of order, and order to be conclusive, &c.

6, 7. Commission formed of Magistrate and inhabitants to be appointed by Government, who shall make rules, &c., for furtherance of Act: and (7) the rules shall be for objects in Act specified.

8. Empowers Commissioners to make necessary contracts and apply the taxes.

9. Commissioners not to be personally liable on contracts but only for misapplication of moneys and gross neglect.

10. Act 10, 1839, for recovery of fines to apply to taxes, &c., under this Act.

11. No rate or assessment to be invalid for defect of form, &c.

12. All moveable property on the assessed premises to be liable for taxes.

13. Account of receipts and disbursements to be submitted annually to Local Government.

14. Empowers Government to suspend the operation of the Act.

An Act to enable improvements to be made in Towns.

Whereas Act X., 1842, was passed for enabling the inhabitants of any place of public resort or residence, under the Presidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience, but the said Act has proved ineffectual for the purpose, and it is expedient to amend the provisions thereof, and to extend the like powers to the inhabitants of Towns in the other Presidencies under the Government of the East India Company, it is enacted as follows:

I. Act X., 1842, is repealed.

II. If it shall appear to the Governor or Governor in Council, or Lieutenant Governor, of any Presidency or Place within the Territories under the Government of the East India Company, that the inhabitants of any Town or Suburb, not within the Town of Calcutta, Madras, or Bombay, are desirous of making better provision for making, repairing, cleaning, lighting, or watching any public streets, roads, drains, or tanks, or for the prevention of nuisances, or for improving the said Town or Suburb in any other manner, the said Governor or Governor in Council, or Lieutenant Governor, may order this Act to be put in force within such Town or Suburb.

III. Whenever any application shall be made to the Government for putting this Act in force in any Town or Suburb, notice thereof shall be given in the Government Gazette of the Presidency, or place, and also by proclamation within such Town or Suburb, setting forth the purposes of the application, and giving reasonable time for all inhabitants of such Town or Suburb, who are minded to declare themselves for or against the adoption of this Act therein, for such purposes or any of them.

IV. The Governor or Governor in Council, or Lieutenant Governor, shall take all such declarations into due consideration, and after the time allowed for receiving the same, shall make a final order, which shall be published in the Government Gazette, and also notified by proclamation within such Town or Suburb, to the effect that the application appears, or does not appear to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of the purposes in respect of which it is made; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Act shall

be thenceforth in force in such Town or Suburb, for such purposes only as shall be mentioned in the Order.

V. Whenever any such order shall be made and published as aforesaid, this Act shall come into force within the said Town or Suburb, for such purposes as are mentioned in the Order, and the making and publication of the said Order shall be conclusive evidence that the provisions of this Act have been complied with, and that it is thenceforth in force within the said Town or Suburb, for such purposes as are mentioned in the Order.

VI. Whenever this Act shall come into force in any Town or Suburb, the Governor or Governor in Council, or Lieutenant Governor, shall appoint the Magistrate and such number of the inhabitants thereof as to him shall appear necessary, to be Commissioners for putting the Act into force, and shall give authority to them to prepare Rules for more effectually accomplishing the purposes for which they are appointed; which Rules, when approved by the Governor or Governor in Council, or Lieutenant Governor, shall be of the same force within the said Town or Suburb, until altered or rescinded as hereinafter provided, as if they were inserted in this Act. And the said Governor or Governor in Council, or Lieutenant Governor, may remove any of the Commissioners and appoint others, and may fill up vacancies occurring among the Commissioners in such manner as may seem to him fit.

VII. The Rules to be prepared by the said Commissioners shall provide, among other things, for those following, that is to say:

1. The appointment and management of all necessary Officers and Servants of the Commissioners, and the salaries to be allowed to them.

2. The definition of the persons of property within the Town or Suburb to be taxed for raising the moneys necessary for the purpose of this Act, whether by House Assessment or Town Duties, or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them, and ensuring the safety and due application of them when collected.

3. The manner in which from time to time the Rules in force are to be amended or rescinded, and new Rules are to be made, with the approval in every case of the Governor or Governor in Council, or Lieutenant Governor.

4. The definition and prohibition of nuisances within the Town or Suburb.

5. The imposition of reasonable penalties for breach of any Rule made by the Commissioners, not exceeding Fifty Rupees, or in the case of continuing nuisance, not exceeding Five Rupees for every day that such nuisance is continued.

VIII. The Commissioners appointed from time to time shall have full power to make all necessary contracts, for the purposes of this Act, and apply the taxes raised as aforesaid in the necessary works, and in payment of their Officers and Servants, and in the other expenses incident to the execution of this Act within the said Town or Suburb.

IX. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of such Town or Suburb; but every Commissioner shall be liable for any misapplication of the moneys collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty and shall be liable to be sued for the same as for money due to, and at the suit of the East India Company.

X. The powers of Act II., 1839, for the recovery of fines, shall be applied for the recovery of all arrears of taxes and penalties under this Act; and every Magistrate shall put in force the powers of the said Act II., 1839, for that purpose, whenever thereunto required by the Commissioners, or any of their Officers deputed by them for the purposes of enforcing payment of arrears of taxes imposed under this Act.

XI. No rate on property made under this Act shall be invalid for defect of form; and it shall be enough in any such rate on property, or any Assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

XII. All moveable property found in any house or building or upon any land assessed under this Act may be seized and sold by warrant of a Magistrate for payment of any arrear of tax laid on such house, building or land under this Act.

XIII. All Commissioners acting in execution of this Act shall, on or before the last day of April in every year, make up

and send to the Governor or Governor in Council, or Lieutenant Governor, an account of all works executed by them, and of all sums received and spent by them in the foregoing year, in such form and with such vouchers as the Governor or Governor in Council, or Lieutenant Governor, shall from time to time order.

XIV. The Governor or Governor in Council, or Lieutenant Governor may, at any time, suspend the operation of this Act in any Town or Suburb, and appoint any person or persons to examine and report upon the behaviour of the Commissioners, or any of them, or their Officers in the execution of this Act.

MERCHANT SEAMEN.—REGISTRY.

ACT No. XXVII. OF 1850.

[*Passed on the* 21*st June*, 1850.

1, 2, 3. General Registry Office at Calcutta, Madras, Bombay, &c., to be established, (2) with a Registrar, Assistants, Clerks, &c., and (3) Registrar to give a Security Bond for performance of his duties.

4, 5. Requires Seamen on Board British vessels to apply to be Registered, and thereupon to answer questions prescribed, and (5) Registrar bound to Register such as shall answer the questions.

6, 7. Registrar to give the Seaman a Register ticket, for fee in form prescribed; and (7) in case of loss, the Registrar bound to give a new one, on loss being accounted for, &c.

8. Ticket to be taken from Seaman and delivered to gaoler, when Seaman is sentenced to imprisonment, and returned to Registrar when sentenced to transportation.

9. Registrar to cancel tickets which come again into his possession, and advertise particulars of cancelled tickets, &c.

10. Masters of Ships not to engage any unregistered Seaman, &c., and shall take the ticket on engaging the Seaman and keep it till end of engagement. Master offending against rule liable to penalty.

11. Seaman falsely answering question of Registrar liable to penalty.

12. Every person wilfully altering, &c., any ticket liable to penalty.

13. Persons possessed of tickets of deceased Seamen to send them to Registrar.

14. Seaman using ticket not his own, &c., to forfeit wages, &c.

15. Penalties may be recovered in a summary way.

16. Fees how to be applied and a tonnage fee to be levied.

Schedules A and B.

An Act for the registry of Merchant Seamen.

Repealed by Act I., 1859.

MERCHANT SEAMEN.

ACT No. XXVIII. OF 1850.

[*Passed on the 21st June,* 1850.

1. Ship not to go to Sea till an agreement with the Seamen has been executed.

2. Agreement to be in Schedule form, and signed by Master, &c., in presence of Registrar, &c

3. Copy of agreement certified by Registrar to be deemed a true copy, and be sufficient evidence in behalf of Seamen, &c.

4. Seaman not to forfeit his lien on Ship by reason of any agreement, &c.

5. Seaman's wages to be calculated by the Calendar month.

6, 7, 8. If Seaman authorises Registrar to receive a portion of his wages for his family, the owner bound to pay accordingly; such payment (7) to cease on certificate of Master of death, &c., of Seaman, and (8) Registrar to keep a book with entry of such payment.

9. Registrar to explain to Seamen the conditions on which they can allot part of their pay to their families.

10. Master to deliver to Registrar before leaving port a list of Seamen engaged by him, or a certificate that he has not engaged any; and Registrar to give Master a certificate that he has complied with Act.

11, 12. To prevent infraction of Act, Registrar may board vessels and muster Seamen; and (12) may stay port clearance, &c.

13, 14, 15, 16. Master to pay wages within 7 days after arrival of Ship, and take receipt witnessed by officer, &c., and (14) for non-payment to forfeit double wages per diem; and (15) in case of death of Seaman, his wages to be paid to Registrar at first port of arrival after the decease, &c., and (16) if Master neglects for 10 days to pay wages he shall, on conviction, forfeit three times the amount; &c.

17, 18, 19. In case Ship is sold at any port, or Seaman's service ends, the Seaman entitled to certificate of discharge; and to be provided with employment or a passage home; and (18) if Master fails to provide him employment, &c., the owner shall be liable to the Seaman, or E. I. C., as case may be, for expenses; but (19) this duty not to arise, if Seaman has consented, in writing, &c., to be then discharged.

20. In all cases of wreck, &c., Seaman to be entitled to wages whether Ship has carried freight or not, on certificate of consent.

21. If agreed allowance of provisions is reduced, Seaman entitled to extra wages, &c.

22. Assignment of wages, salvage, &c., before due, to be void.

23, 24. Every Ship to have on board sufficient supply of medicines, &c., according to scale to be advertised, &c, and (24) Master Seaman, &c., receiving hurt, &c., shall be entitled to surgical attendance, &c., and be taken home at expense of owner, &c.

25. Seamen who have received advance of wages shall be liable to repay or work out the advance, if the vessel is prevented going the voyage by fire, &c.

26. Registrar may grant license to persons to act as brokers for procuring Seamen, &c.

27. Persons not licensed as such broker, and acting in hiring Seamen, &c., to be liable to penalty.

28. Licensed broker engaging Seamen at punch-house, &c., not being licensed lodging-house, to forfeit his license.

29. Persons inducing Seaman to violate Act, or counselling Seaman to desert, liable to penalty.

30. Seaman refusing to join vessel, or to go to Sea, &c., or deserting, liable to be arrested, and on conviction, to imprisonment, &c., not exceding 30 days, or to be sent on board Ship, &c., and to pay costs out of wages.

31 Seaman to forfeit a day's wages for every unlawful absence, or 6 days wages for every 24 hours' absence, or the expense of hiring a substitute refusing to do duty to be subject to similar forfeiture, &c.

32, 33. Deserter to forfeit clothes and effects left on board; and (33) to be liable to compensate owner for extra wages of a substitute.

34. Wilful absence, &c., to be deemed desertion.

35. Wilfully harbouring, &c., deserter to subject offender to a penalty.

36. Debt of Seaman above 3 rupees to be irrecoverable till after service is ended; and public-house keeper not entitled to detain chest, &c., of Seaman for debt.

37. On complaint of 3 of the Crew, any J. P. may order survey of Ship and examination of provisions, water, medicines, &c., which, if reported bad, shall be replaced by others, &c.

38. Place of shelter of specified dimensions to be provided for crew, &c.

39, 40. Penalties, &c., may be summarily recovered, as under Act 2, 1839; also (40) all claims for wages, &c.

41. Defines who shall be deemed "Seamen," &c

Schedule A. Form of agreement.

Schedule B. Ticket of allotment of wages.

An Act for the encouragement of Merchant Seamen.

Repealed by Act I., 1859.

CRIMINAL LAW.—POISONING.

Act No. XXIX. of 1850.

[*Passed on the 2nd August*, 1850.

1. Administering any poison, or stupifying or intoxicating drug or unwholesome thing, with intent to do bodily harm or with intent to commit an unlawful Act, subject to transportation or imprisonment.

2. Under a charge with intent to murder, offender may be convicted of minor offence under the Act.

3. Act to be construed as part of Act 31, 1838.

An Act to amend Act XXXI., 1838, for the Prevention of Poisoning.

For amendment of Act XXXI., 1838, relating to the administration of poison, or other deleterious substance, it is enacted as follows:

I. Whoever shall wilfully and maliciously administer to, or cause to be taken by any person, any poison, or any stupifying, or intoxicating drug, or any unwholesome thing, with intent in any of the cases aforesaid to do any permanent, or temporary bodily harm to such person, or with intent to commit, or abet the commission of any unlawful act, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

II. In any case in which any person shall be charged with administering to, or causing to be taken by any other person any poison, or other destructive thing with intent to commit murder, and the offence proved shall amount only to an offence under this Act, he may be punished as if he had been charged with an offence under this Act.

III. This Act shall be construed with and as part of Act XXXI., 1838.

Neither this Act nor Act XXXI., 1838, is in the Schedule of Repealed Acts, in Act XVII., 1862.

PLEADERS.—APPEALS.

Act No. XXX. of 1850.

[*Passed on the 9th August*, 1850.

1 Act 1, 1846, not to apply to private agreements between parties and pleaders.

2. Act 4, 1850, as to time for presenting petitions of appeal not to apply to cases decided before the Act.

3. Notice under Act 4, 1850, may be given by affixing on Court House.

4. Act 4, 1850, not to affect appeals by Paupers, &c., except, &c.

An Act to remove doubts on the Construction of Act I., 1846, and Act IV., 1850.

Whereas doubts have been entertained whether or not the operation of Act I., 1846, Section VIII., and of Act IV., 1850, Section I., is retrospective, it is declared and enacted as follows:

I. The provisions of Act I., 1846, shall not be deemed to apply to private agreements between parties and their pleaders made before the passing of the said Act. [See Act XX., 1865, s. 39.]

II., III., IV. Repealed by Act XV., 1853, s. 1.

BOMBAY.—SALT REVENUE.

ACT No. XXXI. OF 1850.

[*Passed on the 9th August*, 1850.

1, 2. Customs duty to be levied on salt from foreign territories equal to excise duty; and (2) leviable in same manner as other Customs duties.

3, 4. Passing salt contrary to this Act, to be punished with fine or imprisonment or both; and (4) salt attempted to be passed to be forfeited.

5. Governor of Bombay, &c., may reward informers.

6, 7. New salt works not to be established nor old ones re-opened without permission of Government, and (7) Government may suppress any salt works not producing more than certain quantity.

8. Sec. 7, Act 27, to apply to any tracts of country where salt is found.

An Act for protecting the Salt Revenue in Bombay.

Whereas it is expedient to provide for the better protection of the salt excise revenue, and to bring under control the right of opening or continuing salt works within the Presidency of Bombay, it is enacted as follows:

I. A duty of customs shall be levied on salt, passing by land into or out of foreign European Settlements, or Territories declared to be foreign under Section VIII., Act I., 1838, at the same rate as the excise duty leviable on salt within the territories subject to the Presidency of Bombay. [Repealed by Act VII., 1861, s. 1, so far as it prescribes rate of duty.]

II. The said duty of customs shall be levied in the same manner and under the same rules and restrictions, and subject to the same penalties, as is prescribed for the levy

of duties of customs on goods imported and exported by land by Act I., 1838.

III. Any person who shall be concerned in passing salt, either by land or sea, contrary to the provisions of this or any other Act, shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding Five Hundred Rupees, or both.

IV. All salt passed, or attempted to be passed or removed, contrary to the provisions of this or any other Act, and all vessels, carriages and animals used in so passing or removing such salt, and the contents of any package in which such salt may be concealed, shall be liable to confiscation at the discretion of the Governor of Bombay in Council, but may be redeemed on payment of such fine as the Governor in Council, or any Officer or Officers of the Revenue Department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may think reasonable.

V. The Governor of Bombay in Council, or any Officer or Officers of the Revenue Department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may reward informers and other persons through whose means any seizure of salt is made under this or any other Act, out of the proceeds of any such confiscation, or of the fine paid in redemption thereof.

VI. No new salt works shall be established, and no old works not in use at the time of passing this Act, or which shall hereafter be abandoned during three consecutive seasons, shall be re-opened, within the Territories subject to the Presidency of Bombay, without the permission of the Governor of Bombay in Council; and any person who shall infringe these prohibitions shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding Five Hundred Rupees, or both.

VII. The Governor of Bombay in Council may at his discretion suppress any salt work which, on an average of any three years, does not produce yearly at least five thousand Indian maunds of salt.

VIII Sec. VII., Act XXVII., 1837, shall be applicable to any tracts of country where salt is found.

SUBATHOO AND ANNEXED TERRITORIES.

ACT No. XXXII. OF 1850.

[*Passed on the* 16*th August*, 1850.

Repeals Act 15, 1836

An Act to repeal Act XV., 1836.

Whereas the reasons for which Subathoo and the other Territories annexed thereto were placed under the control in civil cases of the Court of Sudder Dewanny Adawlut, then at Allahabad and now at Agra, no longer exist, it is enacted as follows:

I. Act XV., 1836, is repealed; except as to all cases and proceedings which at the time of the passing of this Act shall be under consideration by the said Court, which shall be decided, and the orders passed thereon shall be executed, as if this Act had not passed.

BENGAL.—PUTNEE TENURES SALES.

ACT No. XXXIII. OF 1850.

[*Passed on the* 23*rd August*, 1850.

Recites R. 8, 1819, S. 8, Cl. 2.

1, 2. Enacts, Zemindar in future to present petition to Collector and not to Civil Court, and (2) all sales of Putnee Tenures without petition to Civil Court, to be valid, if no proceeding for reversal commenced, &c.

3 Putneedar may recover from Zemindar compensation for loss through irregular sales hereby made valid.

An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.

Whereas by Clause 2, Section VIII., Regulation VIII., 1819, of the Bengal Code, it is provided that Zemindars shall be entitled in certain cases to apply for the sale of Putnee tenures on which the right of sale for an arrear of rent is reserved, by presenting a petition to the Civil Court of the district, and a similar one to the Collector, and whereas the petition to the Civil Court has not been presented previous to many of such sales, and it is not necessary for protection of the Putneedar, it is enacted as follows.

I. After the passing of this Act, it shall not be necessary for the Zemindar in any such case to present a petition to the Civil Court, but a petition to the Collector shall be sufficient.

II. All sales of Putnee tenures before the passing of this Act, which were held without presenting such petition to the Civil Court, and for the reversal of which no suit was commenced before the Fourth day of April, in the year 1850, shall be deemed as valid as if such petition to the Civil Court had been presented.

III. Every Putneedar whose tenure shall have been sold before the passing of this Act without such petition having been presented to the Civil Court, and the sale of which is hereby declared valid, shall be entitled to recover in a suit against the Zemindar or persons at whose instance the sale has been effected, or his representatives, the amount of any actual loss or damage sustained by such Putneedar, by reason only of such sale having been made without the presentation of such petition to the Civil Court.

STATE PRISONERS.

ACT No. XXXIV. OF 1850.

[*Passed on the 23rd August*, 1850.

Recites doubts as to construction of Bengal R. 3, 1818, and expediency of extending Reg. to all India.

1. Enacts any warrant of commitment under R. 3, 1818, may be addressed to Supreme Court gaol-keeper or any other gaol-keeper, &c.

2, 3. R. 3, 1818, extended to every Sheriff, &c., having any State Prisoner in custody, &c, and (3) commitments under warrant of G. G. in C. to be held valid.

An Act for the better Custody of State Prisoners.

Whereas doubts have been entertained whether State Prisoners confined under Regulation III., 1818, of the Bengal Code, can be lawfully detained in any fortress, gaol, or other place within the limits or jurisdiction of any of the Supreme Courts of Judicature, established by Royal Charter, and it is expedient that such doubts be removed, and the powers of the said Regulation extended to all the Territories under the Government of the East India Company, it is enacted as follows:

I. The warrant of commitment of any State Prisoner, under Regulation III., 1818, of the Bengal Code, may be directed to the Sheriff of the gaol of any of the Supreme Courts of Judicature established by Royal Charter in the said territories, or to

the Commandant of any fortress, or to the Officer in charge of any gaol or other place, in which it is deemed expedient that such state Prisoner be confined, in any part of the said territories; and such warrant shall be sufficient authority for the detention of such State Prisoner in the fortress, gaol or other place mentioned in the warrant.

II. Regulation III., 1818, of the Bengal Code, shall be extended and applied to every Sheriff, Commandant or Officer, having any State Prisoner in custody, under the said Regulation, as explained and extended by this Act.

III. Any State Prisoner, now confined under any such warrant within the jurisdiction of any of the said Supreme Courts, under the warrant of the Governor General in Council, shall be deemed to have been lawfully committed thereunto.

Extended to Governments of Madras and Bombay, and amended by Act III., 1858.

BOMBAY.—FERRIES.

Act No. XXXV. of 1850.

[*Passed on the 6th September*, 1850.

1, 2, 3. Governor of Bombay in Council may declare which ferries shall be public ferries, may establish new ferries; and (2) fix tolls for such ferries; but (3) none leviable on Soldiers on their march.

4, 5, 6, 7, 8 G. in C. to provide boats, &c., for ferries; and (5) at every ferry a toll collector shall be established; and (6) at every station table of tolls shall be hung up; and (7) toll keeper liable to penalty for neglecting to hang up table, &c, or (8) who shall ask, &c., higher toll than legal.

9. Any person crossing ferry and refusing to pay toll, liable to penalty.

10. Public ferry-boats to be numbered, &c.

11. Magistrate, &c., may make rules for the regulating of ferries; and ferrymen liable for damage, &c., incurred by reason of breach of rules.

12. G. of B. in C. may lease public ferry.

13. Ferry-boat between Bombay and main land to cross at least once daily.

14, 15. Unlicensed persons ferrying for hire between Bombay and the mainland, &c., to be liable to penalty, &c., and (15) ferrying for hire to any place within three miles of public ferry without license, to be liable to penalty.

16. Offences against this Act to be heard summarily by Magistrate, &c., and penalties to be recovered in same manner as fines.

17. Ferry tolls to be applied first to keep up ferries and surplus to roads, &c.

18. G of B. in C. to appoint necessary Officers to carry Act into execution.

An Act for regulating the Bombay Ferries.

Whereas it is expedient to regulate the Public Ferries within the territories subject to the Presidency of Bombay it is enacted as follows:

I. The Governor of Bombay in Council may declare by Proclamation what Ferries within any part of the territories subject to the Presidency of Bombay, shall be deemed Public Ferries, and at any time hereafter, by a like Proclamation, may establish new Ferries where they are needed, and, from time to time, change the course of any Public Ferry, or discontinue any Public Ferry that is deemed unnecessary.

II. Tolls, according to such rates as shall, from time to time, be settled or approved by the Governor of Bombay in Council, shall be levied upon all passengers, carts, carriages, cattle and other animals, and on all goods and merchandise carried over any Public Ferry.

III. No tolls shall be leviable from any body of Soldiery on their march.

IV. Boats shall be provided under the authority of the Governor of Bombay in Council for each Public Ferry, and Tindals, Boatmen and other persons shall be appointed for their due navigation.

V. At every public Ferry-station a Toll-keeper shall be appointed with a sufficient Establishment, whose duty it shall be to take the lawful tolls.

VI. A Table of Tolls, written or printed in the English and Native Languages, shall be hung up in some conspicuous place at every Ferry-station, so as to be easily read by all persons crossing the Ferry.

VII. Every Toll-keeper, who shall neglect to hang up and keep in good order and repair such Table of Tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding Ten Rupees.

VIII. Every Toll-keeper, who shall ask or take any toll other than is allowed by the Table of Tolls, or who shall wilfully delay any passenger, cart, carriage, animal or goods, shall be liable to a penalty not exceeding Fifty Rupees.

IX. Every person crossing at any such Public Ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment

thereof, shall fraudulently or forcibly pass by or through any Toll-station without paying the toll, or who shall obstruct any Toll-keeper or any of his Assistants, in any way in the execution of their duty under this Act, and also every person who shall maliciously damage any Toll-bar, Boat, or any other thing employed in or about any Public Ferry, or who shall maliciously remove, alter, destroy or damage any Table of Tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding Fifty Rupees over and above the value of the damage which he has done.

X. All Public Ferry-boats shall be numbered and registered as the Governor of Bombay in Council shall direct, and the names of all Tindals, or persons placed in charge thereof, and of all Toll-keepers, shall likewise be so registered.

XI. The Magistrate of every Zillah in which there shall be a Public Ferry, and any Magistrate of Police of Bombay, whom the Governor of Bombay in Council may appoint for such purpose within their respective jurisdictions, shall make Rules, subject to confirmation by the Governor in Council, fixing the number of passengers, carts, carriages and animals, and the quantity of goods that may be carried in any public Ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the Ferry-boats in good order, and otherwise for the due discharge of their duty by all Tindals, Toll-keepers and other persons employed at any Public Ferry, and any Tindal, Toll-keeper or other person infringing or disobeying any such Rule, shall be liable to make good any loss or damage which shall have been caused thereby, which may be summarily ascertained by any Magistrate within whose jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

XII. The Governor of Bombay in Council may lease any Public Ferry by public auction, or private contract, from year to year, or any longer period not exceeding seven years, on such conditions as he deems advisable, in which case a contract, setting forth the conditions on which the Ferry is to be held, shall be executed by the Contractor or Farmer, and security shall by him be given for its due fulfilment.

XIII. The Ferry-boat at any public Ferry which shall be

established between the Island of Bombay and the Main-land, and adjacent Islands, shall cross each way at least once daily unless hindered by stress of weather or other unavoidable accident.

XIV. Every person who, without the special license of the Governor of Bombay in Council, shall convey for hire any passenger, animal, cart, carriage or goods, from any part of the Islands of Bombay and Colaba across the Harbour of Bombay to the Main-land, or to any of the adjacent Islands, shall be liable to a penalty not exceeding Five Hundred Rupees; but this penalty shall not apply to the carriage for hire of passengers, animals, carts, carriages and goods from one part of the Islands of Bombay and Colaba to another part of either of the said Islands, nor to any person specially hiring any boat for the carriage of himself and family, or friends with their goods and servants across the Harbour of Bombay to the Main-land, or any of the adjoining Islands, nor to the person letting any boat to hire for such purpose.

XV. Every person who shall convey for hire any passenger, animal, cart, carriage or goods across any other arm of the sea, creek or river within the said Presidency, to any point or place on the opposite bank or coast within a distance of three miles on either side above or below any Public Ferry, without the special license of a Magistrate of the Zillah or Town in which the Ferry is situated, shall be liable to a penalty not exceeding Five Hundred Rupees.

XVI. All offences against this Act shall be summarily heard and determined by the Magistrate of the Zillah within the limits of which the same shall have been committed, and if within the limits of the jurisdiction of the Supreme Court of Bombay by any Magistrate of Police of Bombay. All penalties shall be recovered in the manner directed for the recovery of the fines specified in Clauses 1, 2 and 3, Section XIV., Regulation XIX., 1827, of the Bombay Code.

XVII. All tolls payable on account of any Public Ferry, and all rent payable on account of them as are farmed, and all penalties for offences against this Act, shall form a general Fund, which shall be applied, in the first instance, towards the expenses necessary for keeping up all the Ferries throughout the Presidency

of Bombay, and the residue, if any, shall be applied under the directions of the Governor of Bombay in Council, in the improvement of the public roads, ways, thoroughfares, leading to and from any of the said Ferries.

XVIII. The Governor of Bombay in Council may appoint such Officers and other persons as shall be necessary for carrying this Act into execution, with such salaries as the Governor General of India in Council shall approve, to be paid out of the Fund produced by the Tolls and Fines as provided by this Act, and the Governor of Bombay in Council may, from time to time, delegate any of the powers conferred on him by this Act to any Magistrate or other person as he thinks fit.

ARTICLES OF WAR—NATIVE ARMY.

ACT No. XXXVI. OF 1850.

[*Passed on the 4th October*, 1850.

1. Repeals part of 113th Art. of War.
2. No Native Officer, &c., entitled to pay or allowance while under sentence, but shall be clothed and fed according to rates, &c.

An Act to amend the 113th Article of War for the Native Army.

Repealed by Act XXIX., 1861.

BENGAL. MADRAS. BOMBAY.—PUBLIC OFFICERS.

ACT No. XXXVII. OF 1850.

[*Passed on the 1st November*, 1850.

1. Repeals Acts 6, 1838; 26, 1839; 13, 1843.
2. Inquiries ordered by Government into conduct of public servants to proceed on formal charges.
3. To whom the enquiry may be committed.
4. Government to appoint some person to conduct its prosecution.
5, 6. Charges by private accuser to be reduced to writing, and verified by oath &c., and (6) private prosecutor may be required to give security to prosecute charge, and to be forthcoming to meet counter-charge
7. Government may abandon its prosecutions, and give leave to private accuser to continue them, on giving security.

8, 9. Commissioners under this Act, to have the like powers to punish contempts and summon witnesses as Courts of Justice, and (9) persons disobeying their process to be liable to penalties, &c.

10. A copy of charges and list of documents and witnesses to be delivered to accused before commencement of inquiry.

11. Articles of charge to be exhibited to the Commissioners; accused to plead to each of them, or in default to be taken to admit truth of them.

12, 13. Prosecutor to speak on the charges, &c., (13) evidence next to be taken, by examination and cross-examination of witnesses.

14. Prosecutor by leave of Court, may call witnesses not in his list, &c.

15, 16, 17. Case for prosecution being closed, accused shall make his defence, orally or in writing, &c., and (16) then exhibit his evidence and examine his witnesses, &c., (17) either on oath or solemn affirmation, and be himself a witness.

18. Commissioners to take notes of the evidence, and have them read to witnesses.

19. If accused puts in evidence a written defence, the prosecutor to have a reply and give evidence to contradict, &c.

20, 21, 22 Commissioners may order charges to be amended for want of clearness, &c., and adjourn inquiry for specified reasons, and (21) at end of proceedings, report to Government, and (22) Government, on consideration of report, may make order for further evidence to be taken, &c.

23. Explains meaning of word "Government" in this Act.

24, 25. Act not to repeal any Act, &c., regulating suspension or dismissal of P. S. Ameens, &c., nor (25) the authority of Government to suspend, &c., any public servant.

For regulating Inquiries into the behaviour of Public Servants.

Whereas it is expedient to mend the law for regulating inquiries into the behaviour of public servants not removable without the sanction of Government, and to make the same uniform throughout the Territories under the Government of the East India Company, it is enacted as follows:

I. The following Acts VI., 1838, XXVI., 1839, and XIII., 1843, are repealed, but not so as to revive any Act or Regulation, or part of any Act or Regulation thereby repealed.

II. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the East India Company not removeable from his Office without the sanction of the same Government, it shall cause the substance of the imputations to be drawn into distinct Articles of Charge, and shall order a formal and public inquiry to be made into the truth thereof.

III. The inquiry may be committed either to the Court, Board or other authority to which the person accused is subordinate, or to any other person or persons, to be specially appointed by the Government Commissioners for the purpose: notice of which Commission shall be given to the person accused ten days at least before the beginning of the inquiry.

IV. When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

V. When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser, and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath and affirmation, shall be liable to the penalties of perjury: but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

VI. Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government, before appointing the commission, shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forthcoming to answer any counter-charge or action which may be afterwards brought against him for malicious prosecution or perjury or subornation of perjury, as the case may be.

VII. At any subsequent stage of the proceedings, the Government may, if it think fit, abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

VIII. The Commissioners shall have the same power of punishing contempts and obstructions to their proceedings, as is given to Civil and Criminal Courts by Act XXX., 1841, and shall have the same power for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the Commission, and shall be entitled to the same protection as the Zillâh and City Judges, except that all

process to cause the attendance of witnesses, or other compulsory process, shall be served through and executed by the Zillah or City Judge in whose jurisdiction the witness or other person resides, on whom the process is to be served, and if he resides within Calcutta, Madras, or Bombay, then through the Supreme Court of Judicature there. When the Commission has been issued to a Court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the Commission.

IX. All persons disobeying any lawful process issued as aforesaid for the purposes of the Commission shall be liable to the same penalties, as if the same had issued originally from the Court or other authority through whom it is executed.

X. A copy of the Articles of Charge, and list of the documents and witnesses by which each charge is to be sustained, shall be delivered to the person accused, at least three days before the beginning of the inquiry, exclusive of the day of delivery, and the first day of the inquiry.

XI. At the beginning of the inquiry, the prosecutor shall exhibit the Articles of Charge to the Commissioners, which shall be openly read, and the person accused shall thereupon be required to plead "guilty" or "not guilty" to each of them, which pleas shall be forthwith recorded with the Articles of Charge. If the person accused refuses, or, without reasonable cause, neglects to appear to answer the charge, either personally or by his Counsel or Agent, he shall be taken to admit the truth of the Articles of Charge.

XII. The prosecutor shall then be entitled to address the Commissioners in explanation of the Articles of Charge, and of the evidence by which they are to be proved: his address shall not be recorded.

XIII. The oral and documentary evidence for the prosecution shall then be exhibited: the witnesses shall be examined by or on behalf of the prosecutor, and may be cross-examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without leave of the Commissioners, who also may put such questions as they think fit.

XIV. If it shall appear necessary before the close of the case for the prosecution, the Commissioners may in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence, and in such case the person accused shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days, before the exhibition of such new evidence, exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

XV. When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing, as he shall prefer. If made orally, it shall not be recorded; if made in writing, it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.

XVI. The Evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the Commissioners according to the like rules as the witnesses for the prosecution.

XVII. All witnesses, either for the prosecution or defence, shall be examined on oath, or, if exempt from taking an oath in Courts of Justice, on solemn affirmation, to be administered in either case by one of the Commissioners, and every witness so examined and wilfully giving false evidence on any material point shall be deemed guilty of and liable to the penalties of perjury. When the prosecution is not conducted on behalf of Government, the prosecutor may himself give evidence for the prosecution and may be examined for the defence.

XVIII. The Commissioners or some person appointed by them shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and if necessary explained to him in the language in which it was given, and shall be recorded with the proceedings.

XIX. If the person accused makes only an oral defence, and exhibits no evidence, the inquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be

entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

XX. When the Commissioners shall be of opinion that the Articles of Charge, or any of them, are not drawn with sufficient clearness and precision, the Commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time. The Commissioners may also, if they think fit, adjourn the inquiry from time to time, on the application of either the Prosecutor or the person accused, on the ground of the sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused, the Commissioners shall record the application, and their reasons for refusing to comply with it.

XXI. After the close of the inquiry, the Commissioners shall forthwith report to Government their proceedings under the Commission, and shall send with the record thereof their opinion upon each of the Articles of Charge separately, with such observations as they think fit on the whole case.

XXII. The Government, on consideration of the report of the Commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional Articles of Charge to be framed, in which case the inquiry into the truth of such additional Articles shall be made in the same manner as is herein directed with respect to the original charges. When Special Commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court or other authority to which the person accused is subordinate, for their opinion on the case; and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

XXIII. The word "Government" as used in this Act means the Governor General in Council, the Governor or Deputy-Governor of the Presidency of Fort William in Bengal, the Governor in Council of the Presidencies of Fort St George and Bombay, respectively, and the Lieutenant-Governor of the North-Western Provinces of Bengal, whose sanction is necessary for the removal of the person accused.

XXIV. Nothing in this Act shall be construed to repeal any

Act or Regulation in force for the suspension or dismissal of Principal and other Sudder Ameens or of Deputy Magistrates or Deputy Collectors, but a commission may be issued for the trial of any charge against any of the said Officers, under this Act, in any case in which the Government shall think it expedient.

XXV. Nothing in this Act shall be construed to affect the authority of Government, for suspending or removing any public servant for any cause without an inquiry under this Act.

MOFUSSIL PRISONERS' COUNSEL ACT.

ACT No. XXXVIII. OF 1850.

[*Passed on the* 1*st November*, 1850.

Recites expediency of extending the privilege given by Act 22, 1839, to prisoners under trial in East India Company's Courts.

1, 2. Enacts. In all Courts, &c., of East India Company every person on trial may make defence either personally or by agent; (2) subject to rules made by Nizamut Adawlut, &c.

3. This Act not to restrict any existing right as to employing Counsel or Pleader; but in general only Advocates of Supreme Court or authorised Pleaders to be employed as agents for making defence, &c.

4. Presence of prosecutor or accused not to be deemed dispensed with by this Act.

An Act to allow Counsel to all persons on the trial of offences.

Whereas an Act of Parliament was passed in the seventh year of the reign of His late Majesty for enabling persons indicted of felony to make their defence by Counsel or Attorney, the provisions of which Act were enlarged and extended to Her Majesty's Courts of Justice in the Territories under the Government of the East India Company by Act XXII., 1839, and whereas it is just and reasonable that the like privilege be given to all persons on the trial of offences against the law, it is enacted as follows:

I. In all Courts and before all Magistrates, or persons exercising any of the powers of a Magistrate, under the authority of the East India Company, every person on trial for the commission of any offence shall be admitted to defend himself either personally or by his authorised agent, and, after the close of the case for the prosecution, to make full answer and defence thereto, either personally or by his authorized agent.

II. The said Courts, Magistrates, and persons, subject to such rules as shall be from time to time made for their guidance by the Nizamut or Fouzdaree Adawlut, may allow any prosecution to be conducted by an authorized agent.

III. In those Courts in which any person now has by law the right of employing whomsoever he can employ as Counsel or Pleader, nothing in this Act shall be deemed to restrict that right; in all other cases those persons only shall be deemed authorized agents within the meaning of this Act who are either Advocates of one of the Supreme Courts of Justice established by Royal Charter, or authorized Pleaders of the Civil Courts of the East India Company, or, by leave of the Court, Magistrate or other person before whom the prisoner is on trial, any other person who is employed by the prosecutor or prisoner as his agent.

IV. This Act shall not be deemed to dispense with the presence of any prosecutor or person on trial for the commission of any offence when the presence of such prosecutor or accused person is now by law required.

Repealed by Act XVII., 1862, as respects places where Code of Criminal Procedure is in operation.

CALCUTTA.—MUNICIPAL ACT.

Act No. XXXIX. of 1850.

[*Passed on the 22nd November*, 1850.

1. Repeals part of Act XVI., 1847, relating to the election of Commissioners, &c.

2. Continues the authority of existing Commissioners, with such addition to their number as Government may make, until 1st March, 1851, or further legislative provision

To continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act XVI., 1847.

Whereas Act XVI., 1847, for constituting Commissioners for the Improvement of the Town of Calcutta has been found inconvenient and ineffectual for the intended purposes thereof, and it is expedient that the constitution of the said Commission be

amended, and that in the mean time no new election of Commissioners be made in pursuance of the said Act, it is enacted as follows:

I. So much of Act XVI., 1847, as relate to the election and time of holding office of the Commissioners for the Improvement of the Town of Calcutta, is repealed.

II. The Commissioners for the Improvement of the Town of Calcutta as now constituted, with the addition of such Commissioners as may be added, from time to time, to supply vacancies among the Commissioners nominated by the Governor of Bengal, shall continue to be such Commissioners, and shall have and exercise all the powers entrusted to them under the said Act, or any other Act, until the First day of March, 1851, or until other provision shall be made in that behalf by the Governor General of India in Council.

STRAITS' SETTLEMENTS.—PAWNBROKERS.

ACT No. XL. OF 1850.

[*Passed on the 22nd November*, 1850.

Recites expediency of amending Law regarding Pawnbrokers.

1. Repeals Regulation 7, 1830, of G. of P. of W. Island, &c., and Bengal Regulation 11, 1833.

2, 3 Pawnbrokers to take out license, for which a fee may be required, and license may be suspended when Superintendent of Police thinks fit; and (3) no person to exercise the trade without a license, and unlicensed person to be subject to a penalty.

4, 5, 6. Pawnbroker taking pledges between sunset and sunrise, and (5) taking pledge from European or Native Soldier without leave of his Commanding Officer, and (6) taking pledge from child apparently under 14 years of age for loan to such child, to be liable to specified penalty.

7, 8. Pawnbrokers to report their place of residence to Superintendent of Police; and to give information of persons offering property under circumstances of suspicion, and to keep registers of all lower pledges, &c., and (8) to produce such registers when required to Js. P., &c., and neglecting these duties to be subject to penalty.

9. Penalty may be imposed on conviction before 2 Justices, and levied by warrant against the goods of the offender, and in case no goods, offender may be imprisoned.

10. Act to take effect from 1st May, 1851.

An Act for Licensing Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca.

Repealed by Act XIII., 1856.

STRAITS' SETTLEMENTS.—VAGRANCY.

Act No. XLI. of 1850.

[*Passed on the 22nd November,* 1850.

Recites that inconvenience has arisen from decrepit persons being landed in the Settlements.

1. Captains, Commanders, &c., of Ships, &c., landing decrepit persons not having the means of subsistence on the Islands without leave, &c , to be liable on conviction to fine not exceeding 100 dollars.

2. Any two Justices may remove any person who has not resided one month in the Settlement and has been begging or has become chargeable, to place from which he was brought to the Settlement. Cost of removal to be paid by the Master of Ship who brought person to the Settlement.

3. Captain, &c., of every vessel to deliver to Master Attendant a true list of all passengers on his vessel at time of arrival, on pain of forfeiting 500 dollars.

An Act to prevent the landing and leaving of decrepit Beggars in the Settlements of Prince of Wales' Island, Singapore, and Malacca.

Whereas much public inconvenience has arisen by Masters of Ships and Nakodas of Junks and other Vessels landing and leaving in the Settlements of Prince of Wales' Island, Singapore and Malacca, diseased, maimed, blind and decrepit persons, who afterwards beg for subsistence in the public streets, it is enacted as follows:

I. From the First day of January, 1851, all Captains, Commanders, Masters or Nakodas of Ships, Junks, Topes, Boats, Prahus or other Vessels, who shall bring and land, or cause to be brought and landed in any part of the Settlements of Prince of Wales' Island, Singapore, and Malacca, or in any of the places now or hereafter to be subordinate or annexed thereto respectively, without leave of the Superintendent of Police of such place, any diseased, maimed, blind or decrepit person, not having the means of subsistence, and who may be hindered by his or her diseased, blind or disabled state from earning a livelihood, shall, on conviction before two Justices of the Peace, be liable for every such

offence, to pay a fine not exceeding One Hundred Dollars, and in default of payment, to be imprisoned for any period not exceeding two calendar months.

II. Any two Justices, upon the complaint of the Superintendent or other Officer of Police, that any such person, who has not resided one month in the Settlement, has been found begging, or has become chargeable to the Settlement, may cause such person to be brough before them, and may examine such person and any other witnesses on oath or solemn affirmation touching the place from which he or she was brought to the said Settlement, and may cause any such person to be removed to the place from which he or she was so brought in such manner as shall be from time to time directed by the Governor of the said Settlements, and the reasonable cost of such removal shall be borne and paid by the Master of the Vessel by whom such person was brought to the Settlement, and may be sued for and recovered as so much money due from him to the East India Company, and paid by the Company on his account.

III. The Captain, Commander, Master or Nakoda of every such Vessel shall, within twenty-four hours of the arrival of the Vessel at any one of the said Settlements, deliver to the Master Attendant of the Port a true list of all the passengers embarked on board of his Vessel at the time of such arrival, specifying the name, nation and rank or condition of life of each; and every such Captain, Commander, Master or Nakoda who, without reasonable excuse, shall neglect to deliver such list within the appointed time, or wilfully make out or deliver a list which is false or incomplete in any respect, shall, on conviction before two Justices of the Peace, be liable to pay a fine not exceeding Five Hundred Dollars, and in default of payment, to be imprisoned for any term not exceeding three calendar months.

BENGAL.—PUBLIC WORKS AND RAILWAYS.

ACT No. XLII. OF 1850.

[*Passed on the 20th December*, 1850.

Recites Bengal R. 1, 1824, relating to taking land for public purposes.

1. Enacts. Any Railway made with sanction of Government to be a public work within R. 1, 1824.

2. Empowers persons making surveys for Railway, &c., to enter on, mark out the line, and, with the sanction of Government Officer, clear the land, but to enter the curtilage of any house only between sunrise and sunset.

3. Government Officer to estimate damage done in order that compensation may be made.

4, Person wilfully obstructing survey, &c., liable to fine and imprisonment.

5. If Government Officer has recorded his opinion that land is needed, &c., he may take possession thereof, and value thereof, if not agreed upon, to be ascertained under R. 1, 1824; and possession of land may be taken as of land sold under decrees in Civil Courts, &c.

6. Magistrate to aid Officer in obtaining possession of the land.

7. Powers of R. 1, 1824, to extend in case of railway, &c., to taking temporary possession of land 100 yards from centre of railway, &c., and erecting temporary buildings, &c. Compensation to be given for such temporary occupation, &c.

8. Local Government may empower any Officer to make award, &c., and settle disputes without reference to Government.

9, 10, 11. Land taken for public work otherwise than according to R. 1, 1824, to vest in E. I. C. after 5 years of non-claim, and (10) the 5 years how to be reckoned, and (11) if right to the land is established, compensation or value to be paid for it.

An Act for giving additional facilities for Public Works in Bengal.

Whereas by Regulation I., 1824, of the Bengal Code, power was given for taking any land in the territories subject to the Presidency of Fort William in Bengal, which is needed for any public purpose, according to the forms therein prescribed, but it is expedient for hindering needless delay in making the Railway about to be constructed in the said Presidency under the sanction of Government, and also in any other public work that more summary power should in certain cases be given for gaining immediate possession of the land needed for such public work, it is declared and enacted as follows:

I. Any Railway made in the said Territories under the sanction of Government, is a public work within the meaning of the said Regulation.

II. The persons employed in any public work, with their servants and workmen, may enter upon any land for surveying the ground, and in the case of a road, canal or railway for setting out the intended line thereof, and in the case of any intended road, canal or railway may mark the intended line by cutting a

trench or placing landmarks along the line, and where otherwise the survey cannot be completed, and the line marked, may, with the sanction of the Government or of any officer appointed by Government for this purpose, cut down and clear away any part of any jungle or tope of trees in the direction of the intended line. Provided that no person shall enter the curtilage of any house under colour of this Act without consent of the occupier, unless between sunrise and sunset, and after due notice given to such occupier.

III. It shall be the duty of the officer so appointed by the Government to take account of all necessary damage done as aforesaid, that it may be allowed for, in awarding compensation to the owners and occupiers of land.

IV. Whoever wilfully obstructs any person in lawfully setting out the line of any road, canal or railway, or wilfully destroys, damages, or displaces any such landmark, or effaces, or fills any such trench, shall be liable to be imprisoned for any term not exceeding six months, and also to fine not exceeding two hundred Rupees.

V. Whenever the said officer shall have recorded his opinion that the land in dispute is needed immediately for the purpose of the public work, he shall be empowered to take immediate possession thereof, on behalf of the Government, leaving the amount and distribution of the consideration to be paid for it, if not agreed to by private bargain, to be afterwards ascertained according to the said Regulation, and such possession may be enforced and the obstruction of it punished in like manner as if the land so taken had been sold in execution of the decree of a Civil Court: and all Collectors, Magistrates and other officers shall, if necessary, give the like aid as they would be bound to give for enforcing the speedy and complete execution of any such decree.

VI. If the said officer is opposed or impeded in taking immediate possession of such land as in his opinion is immediately needed, he shall apply to the Magistrate of the district, who shall enforce the surrender of the land.

VII. The powers of the said Regulation and of this Act shall extend in the case of any road, canal or railway, to authorize the temporary occupation of any land not more than one hundred yards from the centre line of the road, canal or railway, as marked

on the ground, for taking earth or other materials for making or repairing the road, canal or railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon, or any land which may be needed for making temporary roads from any public road to the intended line of railway; and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand and other materials taken thence, compensation shall be paid to and among a l persons having an interest therein, to be ascertained, in case of disagreement, in the same manner as compensation for land permanently taken.

VIII. The local Government, if it thinks fit, may empower any such officer to execute any award made under the said Regulation, and to do all things necessary for completing the business of taking and paying for the said land, and for settling all disputes concerning it, without sending any report to the local Government.

IX. In every case in which any land has been or shall be taken by the Government for any public work, otherwise than according to the said Regulation, such land after the lapse of five years, without any claim preferred for the recovery thereof in any competent Court, or under the said Regulation I., 1824, or this Act, shall vest absolutely in the East India Company, freed and discharged from all other claims thereunto.

X. The said term of five years shall be reckoned from the date of this Act, in the case of land heretofore taken, and in the case of land hereafter taken from the time of taking possession thereof.

XI. If within the said term of five years any suit is begun upon which final judgment shall be obtained establishing the right of the plaintiff to any interest in any such land, then, instead of the said land, there shall be paid to the person obtaining such judgment the value of his interest in the said land, at the time when possession thereof was taken, with interest thereon at the usual and lawful rate, to be ascertained and settled, in case of dispute, by arbitration in the manner described for disputed claims by the said Regulation.

Extended to the Madras Presidency by Act XX., 1852, s. 20.

Repealed by Act VI., 1857.

REGISTRATION OF JOINT STOCK COMPANIES.

ACT No. XLIII. OF 1850.

[*Passed on the 27th December,* 1850.

1. Defines the partnerships entitled to registration, viz., partnerships by deed whose joint stock is transferable in shares, without consent of all the partners; also literary and other specified societies not carrying on business for profit.

2, 3. Supreme Courts to order Registration, on Petition, and (3) Petition to be filed in Court with deed and list of Directors, Shareholders, &c , and petition to contain particulars specified in S. 3 and S. 6.

4. 5. Meeting of Shareholders to be held for purpose of resolving on registration, and (5) resolution to be passed by half the Shareholders present owning specified proportion of shares.

6. See ante 3.

7. On Registration of Company, Directors, &c., indebted to Company to cease to be Directors.

8 Prescribes general regulations for registered Companies independently of their deed. 1st, for holding general meetings; 2nd, for holding special meetings; 3rd, prohibits Companies purchasing or taking in pledge their own shares; 4th, prohibits loans, &c., to Directors, &c.; 5th, prohibits Directors, &c., being security to the Company; 6th, for auditing accounts; 7th, for verifying and publishing audit

9. Supreme Court may enforce duties of Directors, Secretary, &c.

10, 11, 12. Memorial to be filed annually, setting forth names of partners and other specified particulars, and (11) when several persons are interested in share, names, &c., of all to be particularised; and (12) memorial to be signed and verified by affidavit, &c.

13, 14, 15. Office copy of registered deed memorial under seal of Court, to be evidence, and (14) Record Keeper of Supreme Court to allow inspection and furnish copies, &c , (15) and fee to be paid for registration, inspection, copies, &c.

16. Sales and transfers of shares to be effected by form in Schedule.

17. No Shareholder to sell any share on which any call is unpaid.

18, 19. Transferree of share may require a memorial of transfer to be filed, and Supreme Court may order memorial, &c., and (19) no transfer to be complete, &c., until memorial is filed, &c.

20. Supreme Court may order memorial to be corrected, &c.

21. Directors may close the Register of transfers for a period.

22 Company not bound to see to execution of trusts, &c.

23, 24. Registered Company shall sue and be sued by name of the Company. Writs, &c., how to be served; and (24) how property of Company may be described in indictment.

25, 26, 27. Company to be nonsuited unless it is proved that suit is instituted by specified authority; but (26) suits not to abate, &c., by changes in the constituent members of the Company; and (27) suit not to be affected by plaintiff or defendant being a partner of the Campany.

28. All unpaid capital to be a debt to the Company, &c.

29, 30, 31, 32. Registered Company committing an Act of Insolvency to be liable to Insolvent Court, &c., but (30) adjudication of insolvency against the Company not to be deemed insolvency of individual members; but (31) to pass property of the Company to the Assignee; who (32) may compromise debts, &c.

33. Directors, if unable to meet engagements, may at a special meeting declare such inability, and publish such declaration, which shall be deemed an act of forfeiture, &c., for specified purpose.

34, 35. Registered Company to be deemed to commit act of forfeiture by not satisfying judgment and execution, and execution creditor and other creditors as particularized may petition Insolvent Court against the Company, &c., whereupon (35) Insolvent Court shall make the common vesting order, &c.

36. Defines duty of Directors in case of insolvency.

37. After adjudication of forfeiture, Shareholders not to be liable individually except on their own personal contract.

38. After adjudication, Official Assignee to make estimate of sum required to pay debts of Company, and same to be raised by contribution of Shareholders, to be assessed by Official Assignee, and non-payment of assessment to be an act of insolvency of defaulting Shareholder, on which petition may be presented, &c.

39. Shareholders in the last memorial to be first called on to contribute, and afterwards specified former Shareholders.

40. In fixing sum to be raised, allowance may be made for unrealized assets.

41. Assessment not to be deemed erroneous for inequality, if necessary.

42. In what manner assets remaining after payment of debts shall be distributed among the Shareholders.

43. In case of Company being insolvent before it is registered 3 years, all who are Shareholders within the 3 years liable together with registered Shareholders.

44, 45. Authorizes Supreme Court to give aid to wind up affairs of Company at instance of Official Assignee; and (45) in like manner to give relief to Shareholders.

46. Official Assignee to rank as creditor of Insolvent Shareholder for debt, &c., to Company.

47. On Adjudicature of forfeiture, Company to lose its privileges, and partnership to be dissolved.

Schedule.

An Act for the Regulation of Registered Joint Stock Companies.

For the Regulation of Joint Stock Companies Registered under this Act, it is enacted as follows:

I. Every unincorporated Company of partners, associated under a deed containing a provision that the shares in the stock or business of the said Company are transferable without the consent of all the partners, and also every Company established for some literary, scientific or charitable purpose, which does not carry on any business for the pecuniary benefit of any of the proprietors or shareholders, shall be entitled to registration under this Act.

II. The Supreme Courts of Judicature at Calcutta, Madras, or Bombay may on such petition as is hereinafter mentioned, of any persons desiring to register the Company to which they belong, order the Registration of such Company; and thereupon such Company shall be duly registered in the said Court, and deemed a registered Company within the meaning of this Act.

III. Every petition for the registration of any Company under this Act shall be filed in the Court to which it is presented, with the deed, or a copy of the deed of partnership of the Company, and a list of the Directors and Shareholders of the Company, severally verified by affidavit of the Secretary, or Manager, or principal or other servant of the Company, intended to be a Registered Officer of the Company within the Presidency in which the petitioners shall apply for registration; and such petition shall set forth the following particulars, that is to say:

First.—The names and additions of all those who are at that time partners of the Company, and their usual places of residence: and, when any Company, which has carried on its business before registration, shall be admitted to the privileges of this Act, a separate memorial of the names and additions and last known place of abode of all persons who, within three years next before the presentation of the petition, were partners thereof.

Second.—The style under which the Company is to carry on its business.

Third.—The names of the principal places, within the Presidency in which they seek to be registered, where the business is to be carried on.

Fourth.—The amount of capital stock and of any proposed addition thereto, and if consisting of money how much is paid up, and if other than money, the nature of such capital stock,

and in all cases how invested, and if separate provision is made for working capital, the amount thereof, and how much of it is paid up.

Fifth.—The number of shares into which the capital stock has been, or is to be divided.

IV. Before the Registration of any Company, which has carried on its business before registration under a deed of partnership, not containing any provision for registration of the Company under this Act, the Directors shall call a special meeting of the Shareholders for the purpose of resolving that the Company shall be registered under this Act, to be held at a place and time to be mentioned in the notice of meeting; and such notice, beside being given to the partners in the manner provided in the deed of partnership for notice of special meetings, shall be published in the Government Gazette and in at least one other newspaper circulating within the Presidency, and the time of holding such meeting shall be not sooner than three months and not later than four months after the first of such publications.

V. One-half in number of the Shareholders assembled either personally, or by their lawfully constituted attorneys at such meeting, owning at least one half of the whole number of shares owned by all the Shareholders so present, may resolve that the Company shall be registered under this Act, and such resolution so carried shall be binding on the whole Company.

VI. The petition for registration in such case shall contain, beside the other particulars herein mentioned, statements of the notice and publication thereof, of the holding of the meeting, and of the several numbers of Shareholders and shares held by them collectively, who were present at the meeting, and who voted in favor of the resolution respectively, and shall state that the petition is presented upon such resolution.

VII. No Company shall be disqualified for registration by reason of any outstanding loan to any Director, or by reason of any Director being a surety, or under any other pecuniary engagement to the Company: but any Director, having such loan or being such surety or under such engagement, shall, by the fact of the registration of the Company, cease to be a Director, unless the loan or other engagement be such as is authorized by this Act.

VIII. Every registered Company shall be subject to the following regulations, notwithstanding any provisions in their deed of partnership varying therefrom; and the Supreme Court, in which the Company shall be registered, shall have authority, on the petition of any Shareholder, to enforce the same, and from time to time to make any order or orders in respect of any breach or neglect thereof as to such Court shall seem meet:—

First.—Every registered Company shall hold one or more ordinary general meetings of the Company in every year, at such times and places as are appointed by the deed of partnership, or in default thereof, as the Supreme Court, in which such Company is registered, shall, in the order for registration, appoint, subject to variation by any subsequent order or orders of such Court.

Second.—Every registered Company shall, from time to time, hold an extraordinary general meeting whenever seven Shareholders, or any greater number may require it, by notice in writing under their hands to be delivered to a Registered Officer of the Company, or, if he cannot be found, to any other servant of the Company, at one of their usual places of business.

Third.—No registered Company shall purchase its own Shares or make any loan of money or securities for money to any person or persons, on the security of a share or shares in the partnership or business; and every such purchase or loan shall be a breach of trust within the meaning of all laws now in force, or hereafter to be in force, relating to breaches of trust by agents or trustees misappropriating money or property.

Fourth.—No registered Company shall make any loan of money or securities for money to any Director or Registered Officer of such Company, or to any member of a Local Committee at any Branch or Agency, except only in the case of Banking Companies, to such limited amount, and on such securities as shall be sanctioned by the deed, or, from time to time, by a general meeting of the Shareholders of such Banking Company; and every such transaction, except as aforesaid, shall be a like breach of trust: and the particulars of every loan made to any Director or Registered Officer of such Company shall be reported to the next general meeting of Shareholders, with a statement and specification of the several securities on which such loans were advanced.

Fifth.—No Director or Member of a Local Committee at any Branch or Agency, or Registered Officer, shall become a security or guarantee for any person in any loan or other transaction with the Company, nor shall he, in any way, incur liability to the Company uncovered by such security as is sanctioned by the deed of partnership.

Sixth.—The accounts of every registered Company shall be audited half yearly or oftener by two or more Auditors, chosen at a general meeting of the Shareholders, none of the Auditors being a Director or Registered Officer at the time.

Seventh.—A copy of the Auditors' report (if any) and balance sheet and a separate profit and loss account, and a capital account, shewing the amount of the capital, and how invested, and the estimated value thereof verified by affidavit of the same being made to the best of their knowledge and belief, as often as the accounts are audited, shall be filed in the Court, in which the Company is registered, and a written or printed copy of the said report, balance sheet, and accounts, shall be delivered to every Shareholder who shall demand it, or sent by the General Post Office to the place where he may, from time to time, require delivery thereof.

IX. The Court in which the Company is registered may, on the petition of any Shareholder, enforce the performance by the Directors of any of their duties under this Act, or of the deed of partnership, which it may appear just to enforce in a summary manner, after due notice given to such Directors; and disobedience to any order of the Court in this behalf shall be deemed a contempt of Court, and shall be punishable accordingly.

X. Within one week before or after the First day of January and First day of July, in every year after the registry of the said Company, a memorial shall be filed in the Court, in which such Company is registered, setting forth in alphabetical order, the names of all the partners, with their several additions, places of abode, and the number of shares belonging to each, and the names of the Directors of the Company, and also the names of the servants of the Company to be deemed the Registered Officers within the Presidency in which such Court is situated; and, as often as a change in the Direction or of any Registered Officer shall take place by death, resignation, disqualification, or other-

wise, a memorial of such change shall be forthwith filed in the Supreme Court.

XI. When any share is held by two or more persons, the name, addition, and place of abode of every such person shall be separately entered in every such memorial, and each of such persons shall be considered as jointly and separately liable for the engagements of the Company on account of such share; unless when such share belongs to any other Registered Company, in which case the name of such Company shall be entered in the memorial instead of the names of the partners thereof.

XII. The several memorials shall be signed by two or more of the Directors of the Company, and verified by affidavit of one of them before the Master of the Supreme Court or a Commissioner by the said Court appointed.

XIII. An office copy of any such registered deed, or copy thereof filed as aforesaid, or memorial, or of any part thereof issued under the seal of the Court, shall be received in evidence before all Courts, as proof of the contents thereof, and no proof shall be required that the persons by whom any such memorial purports to be verified were Directors of the Company.

XIV. The Keeper of the Records of the Supreme Court shall allow all persons, at reasonable times, to inspect any such deed, copy, or memorial, and shall furnish office copies of any such deed, copy, or memorial, or any part thereof, under the seal of the Court, to all persons applying for the same.

XV. Such fees shall be paid for registering every such deed and memorial, and for allowing inspection and furnishing copies thereof, or of any part thereof, as the Judges of the Supreme Court, with the approval of the Governor or Governor in Council, from time to time shall establish.

XVI. Subject to the provisions of the deed of partnership, every Shareholder in any such Registered Company may sell and transfer all or any of his shares therein by a deed according to the form in the Schedule annexed to this Act, or to the like effect, and the same, when duly executed, shall be delivered to a Registered Officer, who shall make an entry thereof in a book to be called the Register of Transfers, and shall endorse such entry on the deed of transfer, and deliver an acknowledgment of the receipt thereof to the purchaser, for which entry and endorsement the

Company shall be entitled to have a fee not exceeding One Rupee; and until such transfer is so entered and endorsed the purchaser of the share shall not be entitled to receive any share of the profits of the business, or to vote in respect of such share.

XVII. No Shareholder shall be entitled to transfer any share until he has paid all calls at that time due on every share held by him.

XVIII. On the transfer of any share in a Registered Company being executed and notified in the manner required by the Deed of the Company, and this Act, the party making or the party accepting such transfer may require a memorial thereof to be made forthwith, and filed with the memorial of the names of Shareholders of the Company; and in case such memorial shall not be made and filed within one month after such requisition, the Supreme Court shall, on the petition of either of the said parties, and on notice being given to the Directors of the Company, order such memorial to be made and filed, in case the Court shall be satisfied of the validity of such transfer; and every such memorial of transfer shall be taken henceforth as part of the last general memorial.

XIX. No transfer shall be deemed complete, nor shall any Shareholder be discharged from any liability by the transfer of any share, until the memorial of such transfer shall have been filed as aforesaid, or until the purchaser has been substituted as a partner instead of the seller in one of the general half-yearly memorials, in respect of the share or shares so transferred; and no person shall be liable as a Shareholder by reason merely of having accepted such transfer, until such memorial of the transfer shall be filed, or until he is entered as a partner in one of the general half-yearly memorials.

XX. The Supreme Court in which any Company is registered may, on petition and on notice being given to the Directors, and to every other person to whom it shall appear to the Court that notice ought to be given, order any memorial filed under this Act to be corrected, in case of any material error of omission or otherwise, either in the lists of Shareholders or any other respect whatever.

XXI. The Directors may close the Register of Transfers for a time not exceeding fourteen days before the payment of any

dividend, and may fix a day for closing the same, of which seven days' notice shall be given in the Government Gazette.

XXII. The Company shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any share is subject; and the receipt of the person in whose name any share stands in the Books of the Company, or in the case of a minor, idiot, or lunatic, the receipt of the guardian or committee, or where the share stands in more than one name, the receipt of the person, whose name stands first, shall be a sufficient discharge to the Company for any dividend or other sum of money payable on account of such share, whether or not the Company had notice of any such trust; and the Company shall not be bound to see to the application of any money paid on such receipt.

XXIII. Every such registered Company, shall sue and be sued by the registered name of the Company, as if it were an incorporated Company, and in no other manner; and service of any writ, order, or other process or notice on a Registered Officer of the said Company at one of their usual places of business, or, if he cannot be found, in such manner as the Supreme Court in which such Company is registered shall order and direct, shall be good service on such Company.

XXIV. In any indictment or information for any theft or embezzlement of the moneys or goods of any such Registered Company, or for any other offence committed against them or their property, or with intent to defraud or injure them, and in any proceeding in which it may be necessary to name them, they may be described by the registered name of the Company.

XXV. In any suit brought or proceeded with in the name of any such Registered Company, the plaintiffs shall be liable to be nonsuited unless it is proved on their part that the suit is brought or proceeded with by direction of one or more of the partners appointed at a general meeting to be Directors of the Company, or by the direction of some person or persons having authority from the Directors to bring suits on behalf of the Company; and such proof may be given either by filing a warrant to sue signed by such Director or person, and supported by Affidavit, or in such other manner as shall be consistent with the practice of the Court.

XXVI. No such suit, indictment, information, or other proceeding shall abate or be prejudiced by any change of the persons constituting the partnership, or of the Directors, or of the person having such authority.

XXVII. No suit by or against the Company shall be in anywise affected by the defendant or plaintiff therein being or having been a Shareholder of the Company; but any such Shareholder, either alone or jointly with any other person or persons as against the Company, or the Company as against any such Shareholder, either alone or jointly with any other person or persons, shall have the same right of action, remedy, and execution, in respect of any claim whatever, as the Shareholder or Company would have had, if the Shareholder had been a stranger.

XXVIII. All unpaid capital, or money due on account of the Capital Stock of the Company, shall be deemed a debt due to the Company, and shall be recoverable as such by the description of money due by the defendant, on account of a share in the business of the Company.

XXIX. A Registered Company, which shall commit any act which is hereby deemed an act of forfeiture, shall be liable to the jurisdiction of the Court for Relief of Insolvent Debtors, and a petition to the said Court in the case of such Company shall be prosecuted in the same manner as petitions in the case of Insolvent Debtors: and in case of an adjudication of forfeiture the law and practice of the said Court, with such alterations of the practice as, from time to time, shall seem to the Court necessary, shall be extended to the case of such Company, as in the case of an adjudication of insolvency in the case of an Insolvent Debtor.

XXX. An adjudication of forfeiture against any such Company shall not be deemed an act of insolvency of the individual members of such Company.

XXXI. An adjudication of forfeiture against such Company shall convey to the Assignee or Assignees appointed to the whole of the real and personal property of the said Company, and all debts, causes of suit, and possibilities of interest, with the like power to sue, either at Law or in Equity, as fully and effectually as an adjudication of insolvency against any individual could convey the same by any of the laws now in force or hereafter to be in force affecting insolvents.

XXXII. Whenever an adjudication of forfeiture shall have issued against any such Company, the Assignee or Assignees, from time to time, may compromise any debts or claims belonging to the said Company, and may grant discharges to the parties to such compromises.

XXXIII. Whenever the Directors of any Registered Company shall be unable to meet the engagements of the Company, they shall, at a special meeting of the Directors convened for that purpose, and by such a number and majority of them as would be sufficient for any ordinary business of the Company, declare such inability by a resolution, which, being signed by the Directors by whose votes it has been carried, shall be forthwith published in the Government Gazette of the Presidency; and for two calendar months after the publication of such resolution, but not later, such resolution shall be deemed an act of forfeiture of their privileges for the sole purpose, nevertheless, of supporting a petition to the Court for Relief of Insolvent Debtors in case a petition shall be filed within two months after the date of the publication thereof as aforesaid, but not afterwards.

XXXIV. Any Registered Company which shall not within two months after judgment and the issue of a writ of execution thereof, satisfy such judgment, shall be deemed to have committed an act of forfeiture, and thereupon the execution creditor, or any creditor to whom such Company shall be indebted to the amount of Company's Rupees Five Hundred, or any two creditors to whom such Company shall be indebted to the amount of Company's Rupees Seven Hundred, or any three or more creditors to whom such Company shall be indebted to the amount of Company's Rupees One Thousand, may present a petition to the Court for the Relief of Insolvent Debtors at the Presidency within which such Company is registered, stating the amount due to such creditor or creditors, and the registry and Act of forfeiture of such Company, and praying such Court would proceed as if such Company or the Shareholders thereof had petitioned such Court for relief under the laws in force for Relief of Insolvent Debtors; whereupon the Court shall enquire into the truth of such petition, and if such Court shall be satisfied thereof, such Court shall adjudge the same to be true, and that such Company has committed an act of forfeiture, and proceed

thereon pursuant to the provisions of the Act for the Relief of Insolvent Debtors in India, and of this Act.

XXXV. Upon the filing of any petition to the Court for Relief of Insolvent Debtors in the case of any Registered Company, whether by a Shareholder or by a Creditor, the Court shall make the like vesting order for the purpose of vesting all the real and personal estate of the Company in the Official Assignee, and such other orders ancillary thereto as the Court might make in case of an individual insolvent debtor, and all the powers and authorities of the said Court, and all the laws relating to insolvent debtors shall, so far as the circumstances of the case admit, be extended to all such Registered Companies.

XXXVI. Whenever there shall be an adjudication of forfeiture against any Registered Company, the Directors of such Company at the time of filing the petition shall be subject to the orders of the said Court for the Relief of Insolvent Debtors, and it shall be their duty individually or collectively to prepare such balance sheet and other accounts as the Court may deem necessary, and to assist the Official Asssignee in the examination of and closing all the affairs of the Company; and every Director and person who shall at any time have been a Director of the Company shall be liable to be examined upon oath, and to make full and true discovery of the estate and effects, past and present, and business, affairs, and interests of the Company, either orally or upon written interrogatories, as the Court may order.

XXXVII. Upon the adjudication of forfeiture against any Registered Company, the claims of any creditor of the Company against the Shareholders shall not be enforced otherwise than under this Act, except in respect of any special contract, or any debt or liability contracted by any Shareholder in his individual capacity, otherwise than by taking a share in the business of the Company.

XXXVIII. As soon after an adjudication of forfeiture against any Company as the Official Assignee can make an approximate estimate of the amount of the debts and other claims against the Company, or of any certain portion thereof, the said Court, on the application of the Official Assignee, shall order such sum to be raised by contribution of the Shareholders as may appear to the said Court necessary for the satisfaction of such

debts and claims; and may from time to time order such further sum to be raised in like manner as may appear necessary: and upon obtaining such order the Official Assignee shall assess the said sum ratably amongst the Shareholders according to the number of shares held by them respectively, and immediately proceed to collect the same; and monthly or oftener shall report defaulters to the said Court, together with the amounts at which they were assessed respectively, and thereupon the said Court, if satisfied that the said assessment is just, shall order the payment of such assessment within such time and upon such notice or demand by advertisements or otherwise, as the Court may see fit; and non-payment thereof within the time ordered by the Court shall be an act of insolvency of the defaulting Shareholders; and the said Assignee, or any person being a creditor of the said Company to the amount of Company's Rupees Five Hundred, or any two creditors to whom such Company shall be indebted to the amount of Company's Rupees Seven Hundred, or any three or more creditors to whom such Company shall be indebted to the amount of Company's Rupees One Thousand, may present a petition to the Court for the Relief of Insolvent Debtors of the Presidency within which the said Company is registered, stating such act of insolvency, and praying that such defaulting Shareholder may be adjudged to have committed an act of insolvency, and upon such petition being duly verified, the Court shall be empowered to adjudge that such defaulting Shareholder has committed an act of insolvency, and the Court for Relief of Insolvent Debtors in the Presidency in which the defaulter is resident may proceed thereon according to the provisions of the Act for the Relief of Insolvent Debtors in India.

XXXIX. The Shareholders of untransferred shares whose names are in the last general memorial, including those (if any) who have been subsequently returned as Shareholders of the Company, shall be liable and be called upon in the first instance to satisfy the debts of the Company; but in case it shall appear to the said Court that full satisfaction cannot, within such time as may appear reasonable to the Court, be otherwise obtained, such other persons as at any time within three years next before the adjudication of forfeiture shall have been returned in any memorial as Shareholders of the Company shall be liable to con-

tribute to such amount collectively as the Court may order; and, upon every order for contribution from former Shareholders, the Official Assignee shall proceed as hereinbefore prescribed in the case of present shareholders.

XL. In fixing the sum to be raised from time to time by assessment of the Shareholders, it shall be in the discretion of the Court to make such allowance for unrealized assets of the said Company, as the Court may deem just.

XLI. No such assessment shall be deemed erroneous or set aside merely by reason of its being in access of other assessment ratably considered, if the same be needed for satisfaction of any creditor of the said Company, and any such assessment may be reduced, when expedient, by order of the Court.

XLII. If on realizing the assets of the Company a balance shall remain, after payment of the debts and other claims against the Company, the said Court may order the repayment out of such balance, first, of such sums or ratable parts thereof as have been paid by any Shareholders not liable in the first instance to satisfy the debts of the Company; and secondly, of such sums or ratable parts thereof as have been paid by any other Shareholders in excess of their ratable liability, according to the number of their shares, regard being had to the number of other assessed Shareholders; and lastly, if such a balance shall not thereby be exhausted, the said Court may order the distribution of the remainder thereof among the Shareholders by the Official Assignee upon a scheme or plan to be submitted to and approved by the said Court, or may order the same to be paid to the Accountant General of the said Court to the credit of the said Company, to abide such proceedings as any parties interested therein may take at Law or in Equity: and any order of the said Court for the disbursement of money shall be a sufficient authority to the said Official Assignee to protect him against all claims in respect of such disbursement by any Shareholder or Creditor.

XLIII. If any Registered Company, which carried on its business before registration, shall incur an adjudication of forfeiture before it has been registered for three years, such persons as are not registered Shareholders but were Co-partners or Shareholders thereof at any time before the registration of the Company, but within three years before the filing of the petition for relief,

shall be liable to contribute to the debts of the Company in like manner as if they were on the first memorial of the Shareholders of the Company

XLIV. Whenever it shall appear to the Court for Relief of Insolvent Debtors that the aid of a Court of Equity will be necessary for closing the affairs of any Registered Company, against which an adjudication of forfeiture has been made, the said Court may order the Official or other Assignees to take proceedings in the Supreme Court in Equity, by bill, or by petition, for the like relief as might be had by bill, and the said Supreme Court shall have power on such petition to make such original and subsequent orders as upon a bill filed, and such orders shall have the same effect and be executed in the same manner as decretal orders.

XLV. The said Supreme Court may likewise, on petition of any Shareholder having any claim against any other Shareholder, in respect of the affairs of the Company, make such order as it may deem just for settling such claim between such Shareholders.

XLVI. Whenever any Shareholder in a Registered Company, which shall have been adjudged to have incurred forfeiture, shall be adjudged an insolvent, either on his own petition, or under the provisions aforesaid, or otherwise, the Assignee or Assignees of such Registered Company shall be entitled, from time to time, to rank as a creditor on the estate of such insolvent, for such ratable contributions, as the Court for the Relief of Insolvent Debtors shall, from time to time, appoint to be paid by such insolvent Shareholder.

XLVII. After the affairs of any such Registered Company, against which there has been an adjudication of forfeiture, are closed under this Act, the Company shall forfeit all its privileges under this Act, and the partnership shall be dissolved.

SCHEDULE.

I———of———in consideration of———paid to me by——— of———do hereby transfer to the said———the share (or shares) numbered———in the business called The———to hold unto the said——— his [or her] Executors, Administrators, and Assigns, subject to the Conditions of the Partnership Deed of the———

Company, registered in the Supreme Court of Judicature at——— and the other Conditions in which I held the same: And I the said———, do hereby agree to take the said share (or shares) subject to the same Conditions: As witness our hands and Seals, the——day of———in the year———

Witness

A. B. (L. S.)

C. D. (L. S.)

Repealed conditionally by Act XIX., 1857, s 98; again repealed by Act X., 1866, s. 219, with exception, s. 220.

BENGAL.—BOARD OF CUSTOMS.

Act No. XLIV. of 1850.

[*Passed on the 27th December*, 1850.

1. Repeals R. 4, 1819.
2. Transfers powers, &c., of Board of Revenue in Customs, Salt, and Opium Department, to the Sudder Board of Revenue, constituted under R. 1, 1829.
3. Sudder Board of Revenue to be styled Board of Revenue for the Lower Provinces, &c.

An Act for consolidating the Board of Customs, Salt, and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.

Whereas by Regulation IV., 1819, of the Bengal Code, a Board of Revenue, in the Customs, Salt, and Opium Department, was constituted in the Province of Bengal, with all the duties, powers, and authorities of the Board of Revenue, with respect to customs and town duties, and with the powers theretofore possessed by the Board of Trade in the Salt and Opium Departments; and whereas it is not now necessary that this Board should be continued, separate from the Board of Revenue in the Lower Provinces of Bengal, it is enacted as follows:

I. Regulation IV., 1819, of the Bengal Code, is rescinded; but not so as to revive any part of any Rule or Regulation thereby rescinded and annulled.

II. All powers and duties now vested in, or belonging to the Board of Revenue in the Customs, Salt and Opium Department,

and its Officers respectively, shall be transferred to the Sudder Board of Revenue, constituted in the said Lower Provinces, according to Regulation I., 1829, of the Bengal Code, and its Officers respectively: and all Acts and Regulations now in force relating to the said Customs, Salt and Opium Board of Revenue, or its Officers, shall be understood henceforth, as if the said Sudder Board of Revenue and its Officers had been respectively mentioned therein instead of the said Board of Customs, Salt, and Opium and its Officers.

III. The said Sudder Board of Revenue shall be henceforth styled the Board of Revenue for the lower Provinces of the Presidency of Fort William in Bengal.

CORONERS.

ACT No. XLV. OF 1850.

[*Passed on the 27th December*, 1850.

Empowers Coroners to hold inquests on bodies within their jurisdiction, whether the cause of death occurred within or without the jurisdiction.

Act to declare the Law as to the jurisdiction of Coroners.

For removal of doubts as to the jurisdiction of Coroners, it is declared and enacted as follows:

I. In all cases in which an inquest ought to be holden on any body lying dead within the jurisdiction of any Coroner, appointed for any place within the Territories under the Government of the East India Company, the Coroner having jurisdiction where the body is lying dead, has power to hold and shall hold such inquest; and every such inquisition taken before him is valid whether or not the cause of death arose within his jurisdiction.

BENGAL.—FINES.

ACT No. I. OF 1851.

[*Passed on the 7th February*, 1851.

All fines under Act 24, 1845, to be paid into Bengal Treasury to credit of Marine Department and applied to expenses of Marine Courts.

For the appropriation of fines levied under Act XXIV., 1845.

Repealed by Act XII., 1859.

N. W. PROVINCES.—SUDDER DEWANNY ADAWLUT.

ACT No. II. OF 1851.

[*Passed on the* 11*th April*, 1851.

1. Judge of Sudder Dewanny Adawlut not to be disqualified for hearing appeal, by reason of having been Judge of the Lower Court whose decree is appealed against.

To amend Regulation XIII., 1810, of the Bengal Code, for the trial of Appeals.

Whereas the Sudder Dewanny Adawlut of the North-Western Provinces of the Presidency of Fort William in Bengal, as now constituted, comprises three Judges only, and appeals cannot therefore be entertained according to Regulation XIII., 1810, of the Bengal Code, and Act II., 1843, where the judgment appealed from was passed by one of the said Judges, and it is therefore expedient that the said Regulation be amended, it is enacted as follows:

I. No Judge of either of the Courts of Sudder Dewanny of the Presidency of Fort William in Bengal shall be disqualified from being one of the three Judges sitting for the hearing and decision of an appeal, by reason of his having passed the decision in the Lower Court, against which the appeal is made.

BENGAL.—SALT SMUGGLING.

ACT No. III. OF 1851.

[*Passed on the* 11*th April*, 1851.

1. Act XXIX. of 1838, as to proceedings by Salt Officers on information of Salt exceeding one maund being stored, extended to information of Salt being unlawfully manufactured.

2. Act XXIX. of 1838, Section 14, modified. Penalties prescribed by Regulation 10 of 1819, and Act XXIX. of 1838, for the illegal possession and transmission of Salt, extended to persons conveying more than five seers of Salt without protective document, and to gangs of persons carrying more than ten seers of such Salt.

An Act to amend Regulation X., 1819, and Act XXIX., 1838, for preventing the unlawful manufacture and transportation of Salt.

Whereas the Laws in force for the prevention of the unlawful manufacture and transportation of Salt in the Provinces of Bengal, Behar and Orissa are defective, it is enacted as follows:

I. Any Salt Agent or Superintendent of Salt Chokies, and also any Assistant to a Salt Agent or Superintendent, or head Officer of any Salt Chokee or Arung, to whom information shall be given that Salt is unlawfully manufactured in any warehouse, dwelling house or other enclosed place within his jurisdiction, may act upon such information in the same manner as in Act XXIX., 1838, he is authorized to Act, upon information given him of Salt exceeding one maund in quantity being in store in a house, warehouse or other place; and all freshly-manufactured contraband Salt found by such Officer shall be liable to seizure, together with the implements of manufacture, and the provisions of Sections II. to X. of Act XXIX., 1838, as to the receipt of information and the manner of search and seizure, and of Section XXIII. of the same Act, as to the penalty for false and malicious information, shall be applicable to information given and search and seizure made under this Act.

II. In modification of Section XIV., Act XXIX., 1838, any person who shall be found conveying Salt, exceeding in quantity five seers of eighty tolas to the seer, without protective document, within the tract of country in Bengal or Orissa wherein the transportation of Salt, unless so protected, is prohibited, and also all persons found in gangs or companies carrying Salt so unprotected, which in the whole quantity exceeds ten such seers, shall be subjected to the penalties prescribed by Regulation X., 1819, of the Bengal Code, and Act XXIX., 1838, for the illegal possession and transportation of Salt.

BOMBAY.—UNCOVENANTED SERVICE.

ACT NO. IV. OF 1851.

[*Passed on the 25th April*, 1851.

1. Repeals part of Act 15, of 1843, which empowers the Governor of Bombay to confer on Assistant Magistrate the powers of a Magistrate.

2. Empowers G. of B. in Council to appoint uncovenanted Deputy Magistrates, with powers specified.

3. Requires Deputy Magistrate before he enters on his official duties, to make and subscribe a declaration to same effect as the oath taken by Magistrates.

4. Powers of Deputy Magistrate. May be employed as a Judicial Officer or Officer of Police or both. As a Judicial Officer to have the powers of a Covenanted Assistant under Bombay Regulation 12, 1827, Section 3 Regulation 4, 1830; Regulation 8, 1831; or the full powers of a Magistrate when specially authorized. The same appeal from his decisions as from decisions of Magistrates and Assistant Magistrates. As Officer of Police, to be subordinate to the Magistrate, and to have such powers as may be committed to him.

5. Revenue and Judicial uncovenanted Officers may hold with other office that of Deputy Magistrate.

6. Deputy Magistrate not to be dismissed for misconduct without the sanction of the Governor in Council. Magistrate to report his conduct when believed to be disqualified, and Governor in Council to make orders thereupon.

An Act for the appointment of uncovenanted Deputy Magistrates, and for defining the duties of Deputy and Assistant Magistrates in Bombay.

Whereas the administration of justice will be improved by extending the provisions of Act XV., 1843, to the Presidency of Bombay, and by more exactly defining the powers of Assistant Magistrates, it is enacted as follows:

I. So much of Act XIV., 1835, as empowers the Governor of Bombay in Council to confer on any Assistant Magistrate, by a special order, any of the powers of a Magistrate, is repealed.

II. The Governor of Bombay in Council may appoint to any Zillah or District one or more uncovenanted Deputy Magistrates, with the powers hereinafter specified.

III. Every person appointed to the office of Deputy Magistrate under this Act shall, before entering upon the execution of the duties of his office, make and subscribe before one of the Courts of Record established in the said Presidency (or in the Zillah to which he is appointed), a declaration to the same effect as the oath required by law to be taken by Magistrates, which declaration shall be deemed to be made under Act XXI., 1837.

IV. A Deputy Magistrate appointed under this Act, or an Assistant Magistrate, may be employed as a judicial officer, or as an officer of Police, or both, at the discretion of the Governor of Bombay in Council. As a judicial officer he shall exercise the powers of a covenanted Assistant, under Section III., Regulation XII., 1827, Regulation IV., 1830, Regulation VIII., 1831, of

the Bombay Code, and Act XXV., 1839, or the full powers of a Magistrate, when specially authorised by the Governor of Bombay in Council; and, in such cases, he shall be subject to such authority in regard to appeals from his decisions and judicial orders as is provided under the above mentioned Regulations for the decisions and orders of a covenanted Assistant or of a Magistrate respectively. As an officer of Police, he shall be in all respects subordinate to the Magistrate under whom he is placed; he shall exercise such executive powers only as the Governor of Bombay in Council or the Magistrate, with the sanction of the Governor of Bombay in Council, commits to him, and shall obey all lawful orders so issued, and perform all duties so assigned to him by the said Magistrate, who shall be at all times competent, subject to such orders as he receives, from time to time, from the Governor of Bombay in Council, to extend, limit or resume the executive powers committed to such Assistant or Deputy.

V. Nothing in this Act contained shall be held to disqualify any uncovenanted Officer in the Revenue and Judicial Departments from holding, at the same time with any other office, the office of Deputy Magistrate.

VI. A Deputy Magistrate appointed under this Act, shall not be dismissed from office for misconduct, without the sanction of the Governor of Bombay in Council. Whenever there is reason to believe, that a Deputy Magistrate is disqualified, by neglect, incapacity, corruption or other misbehaviour, for continuance in office, a report shall be made by the Magistrate for the consideration and orders of the Governor of Bombay in Council, who shall be competent to suspend such Deputy Magistrate, and order a further enquiry into his behaviour, or order his immediate dismissal, as appears just and proper.

Repealed by Act XVII., 1862, under qualifications.

SIR THOMAS TURTON.

ACT No. V. OF 1851.

[*Passed on the 6th June*, 1851.

Recites Sir T. T.'s appointment as Ecclesiastical Registrar, the resignation of that officer, insolvency and inability to pay moneys officially due from him

as Ecclesiastical Registrar and also moneys due from him as Registrar of the Court on its Ecclesiastical Equity and Admiralty sides and as Curator under Act 19, 1841, and Official Trustee under Act 17, 1843.

Also recites that Commissioners had reported on Sir Thomas Turton's deficiencies, and the expediency of paying the losses out of the accumulated produce of unclaimed estates in charge of the Administrator General.

1. Enacts. The net proceeds of all estates administered by the Ecclesiastical Registrar and ready to be distributed before January 1836, and not since claimed, and also the net proceeds of all estates administered or to be hereafter administered by the Administrator General, and which shall continue unclaimed for 15 years, shall be transferred and paid to the Sub-Treasurer of the E. I. C. to the credit of the E. I. C. for the general purposes of Government.

2. If Claimants to money so transferred appear and can establish their right to it to satisfaction of Administrator General and Accountant, the same to be paid by the East India Company, and if not so established, claimant may petition to Supreme Court which may decide the case.

3. The Accountant to the Government of Bengal to direct the Sub-Treasurer to pay the persons named in the several schedules to the Commissioners' report the sums due to them respectively.

For relief of certain sufferers by the Insolvency of Sir Thomas Turton, Baronet.

Amended by Act XIII., 1851.

Obsolete.

BOMBAY.—LAND REVENUE.

Act No. VI. of 1851.

[*Passed on the 6th June,* 1851.

Recites that the E. I. Co. has a freehold reversionary interest in lands paying a render called Foras, after certain tenancies at will and from year to year: and recites that it is expedient the reversionary right should be extinguished save as is reserved.

1. Enacts that certain of the Foras lands shall be vested in the E. I. C., freed from all tenancies, for certain specified public purposes.

2. Extinguishes the rights of the E. I. C. as reversioner in other lands, saving the right of the Company to rents now payable, and all rights arising from forfeiture, &c.

3. Such extinguishment to enure for the benefit of the persons beneficially interested in the lands and not of bare trustees.

4. This Act not to operate to exempt any lands from future taxes, &c.

5. The G. of B to appoint four Commissioners under this Act, three of whom to be a quorum, and to fill up vacancies.

6. Duplicate of recited plans to be deposited with Commissioners.

7. The Commissioners to estimate the value of lands and improvements in plan No. 2, and the amount of expenses, and to assess the same on lands in plan No. 1, and the realizations to form the "Foras Land Assessment Fund." Commissioners may summon witnesses, &c.

8. Witnesses neglecting to appear before Commissioners to be fined.

9. The estimate and assessment to be signed by the Commissioners and be a record.

10. Commissioners to make and sign a Certificate of their assessment, and the holders of the Certificate entitled to be paid sum certified out of the "Foras Land Assessment Fund."

11. What rent-payers shall be entitled to be the first holders of Certificates.

12. Certificates to be delivered by Commissioners to parties entitled, or deposited with Prothonotary of Supreme Court.

13. Delivery of a Certificate by Commissioners not to preclude persons having a better title to the Certificate from claiming the same.

14. When assessment is completed, notice thereof to be given in Gazette, and Commissioners may collect and enforce payment of assessment.

15. Commissioners, subject to approval of G. of B. in C. may employ Surveyors, &c.

16. Commissioners' receipt of assessment, not to be conclusive of the title of person paying. And Commissioners may redeem the Certificates when Foras Land Assessment Fund is sufficient.

17. Commissioners raising by distress and sale more than is required to pay assessment, shall pay the surplus to the owner of the lands or goods sold, or in case of doubt, to the Supreme Court.

18. Commissioners paying person not entitled, are not to be liable; but person entitled may recover from person paid.

19. Certificates to be transferable by indorsement.

20. Commissioners may grant warrant for taking the lands mentioned in plan No. 2. Warrant to have same effect as Sheriff's warrant.

21. Commissioners, with consent of G. of B. in C, may alter plan No. 2, and corresponding alterations to be made in plan No. 1. The plans in office of Secretary to Government to be deemed the original and authentic.

22. No action to lie against any Commissioner for any thing done or omitted by him as Commissioner; and Certificate of Secretary to Government to be evidence that act complained of is within the Act.

23. When business of Commission closes, its records to be made a record of the B. Government.

24. Unappropriated balance to be paid to Municipal Fund: and Municipal Fund to supply deficiency of Foras Land Assessment Fund.

Schedules 1, 2, 3.

Respecting certain land in Bombay called Foras Land.

Whereas the East India Company are legally entitled to the freehold reversion of the several lands heretofore paying a render

called Foras, the outline whereof is delineated in a plan deposited in the office of the Secretary to the Government of Bombay, and authenticated by the signatures of the Right Honorable the Governor and Members of the Council of Bombay, and numbered 1, subject to certain tenancies therein at will, or from year to year; and whereas it is considered expedient as of grace and favor that the rights of the said East India Company in all of the lands included in the said plan, save those marked upon the said plan as to be taken, or as having already been taken for public roads, tanks and other public purposes, the outline of which lands as to be or having been taken is also delineated in another plan, numbered 2, also deposited and authenticated as aforesaid, should be extinguished save as hereinafter mentioned, it is enacted as follows:

I. The lands comprised in the said plan No. 2 shall, from and after the First day of July, in the year 1851, be vested in the said Company free from all rights therein of all other persons, for the purpose of constructing public roads, tanks and other public purposes.

II. From and after the said First day of July, the rights of the said Company in all of the said lands mentioned in the said plan No. I., except those mentioned in the said plan No. 2, shall be extinguished in favour of the persons who shall then hold the same respectively as the immediate rent-payers to the said Company, saving the rents now severally payable in respect of such lands, which shall continue payable, and recoverable by distress or by any means by which land revenue in Bombay is or shall be recoverable under any Act or Regulation, and saving also all rights of forfeiture and escheat, in respect of want of heirs or representatives, or of felonies committed, or otherwise in respect of attainder.

III. As between such rent-payers and other persons, such extinguishment shall endure for the benefit of the persons beneficially entitled to the lands thereby affected, and not of any mere Trustee or other person in whom the legal estate only is or may be vested.

IV. Nothing herein contained shall exempt such lands from being liable to any future general taxes on land in Bombay, or from being subject to Act XXVIII., 1839, and Act XVII., 1850

V. After the said First day of July, as soon as shall be convenient, the Governor of Bombay in Council shall appoint fit persons, not exceeding five in number, to be Commissioners under this Act, for the purposes hereinafter mentioned (with such salaries or remuneration as to the said Governor in Council shall seem fit); any three or four of whom met together (two being Officers of Government), may do any act which by this Act the Commissioners are empowered to do; and in case of the death, resignation, removal, or absence of any such Commissioner, the Governor in Council shall appoint another in his room.

VI. A duplicate of the said plans, authenticated by one of the Secretaries to the Government of Bombay, shall be lodged with the said Commissioners, and shall form a record of their office.

VII. From and after the said First day of July the said Commissioners shall proceed to estimate the value of the several portions of land and the improvements thereon, comprised in the said plan No. 2, and of the expenses which will be incurred in executing this Act, and to assess the amount of such estimate in such way and in such proportions as to them shall seem right to and upon the lands mentioned in the said plan No. 1, and the fund to be raised by such assessment shall be denominated the "Foras Land Assessment Fund;" and for the purpose of framing such estimate and making such assessment the said Commissioners may summon as witnesses any persons whomsoever, whether interested or not in the said lands, and examine them on oath or otherwise as they may see fit, or proceed upon a mere estimate, according to the best of their judgment, without evidence.

VIII. Any person summoned as a witness, and refusing or without lawful excuse, neglecting to appear and give evidence according to the terms of the summons may, on proof thereof, be fined by any Magistrate of Police for every default a sum not exceeding ten Rupees, to be paid to the said Commissioners for the said Foras Land Assessment Fund, and may be committed to prison in default of payment.

IX. The said estimate and assessment, when completed, shall be signed by the said Commissioners, and from a record of their office.

X. After the completion of the said estimate, the said Commissioners shall make out and sign certificates, which shall, by

numbers, or in such other way as to the said Commissioners may seem more convenient, refer to the several portions of land mentioned in the said plan No. 2, and shall show the estimated value of the land and improvements thereon to which the same refer, which certificate shall give to the holders thereof a right to demand payment of the sums for which the same are in the body of the same expressed to be granted, from and out of the said "Foras Land Assessment Fund," after the said Commissioners shall, by public advertisement in the Bombay Government Gazette, have advertised that they are ready to redeem the said certificates.

XI. The persons who shall have been the rent-payers to the said Company on the said First day of July of any land mentioned in the said plan No. 2, or their representatives or assigns, shall be entitled to be the first holders of the certificates relating to the same lands.

XII. When the said certificates shall have been completed, the said Commissioners shall distribute the certificates to the persons entitled thereto; or, if it shall appear to them doubtful to whom any certificate should be delivered, may deposit it with the Prothonotary of the Supreme Court of Judicature established at Bombay by Royal Charter, which Court may adjudicate upon the right to every certificate so deposited, and may direct how such right shall be tried.

XIII. The delivery to any person by the Commissioners of any certificate, shall not confer upon him any right to retain the same as against any person having a better title thereunto, who shall be at liberty to sue for and recover the same, and all benefits thereto belonging, in the said Supreme Court, by such proceeding as the said Court shall direct.

XIV. When the said assessment shall have been completed, the Commissioners shall give notice thereof in the Government Gazette, and after the expiration of three weeks next following the publication of such notice shall proceed to collect the assessments, and if necessary to levy them by distress and sale of any goods found on the said lands, or by sale of the lands assessed; and the said Commissioners shall keep accounts of the sums received for assessment, and pay the same from time to time into the Bank of Bombay.

XV. The said Commissioners, subject to the approval of the Governor of Bombay in Council, may employ such Surveyors, Accountants, and Clerks, as to them shall seem fit, and incur such other charges, and make such disbursements from the said Foras Land Assessment Fund as may be necessary for executing the provisions of this Act.

XVI. The Commissioners may receive any portion of the assessment from any person, but any receipt granted by them for the same shall not affect the title to any lands in respect whereof the same shall have been paid; and, when the said Foras Land Assessment Fund, or such portion thereof as to the said Commissioners shall seem adequate, shall have been recovered, the said Commissioners shall redeem the certificates on demand by the holders thereof.

XVII. When, on the sale of any land or goods for satisfaction of any assessment, more money shall be raised than is required to pay the amount to be levied, the Commissioners shall pay the overplus to such person or persons as shall appear to them to have been entitled to the land or goods sold; or, if they are doubtful to whom they should pay the same, may pay such overplus to the Accountant General of the said Supreme Court, and any persons claiming to be entitled thereto may sue for and recover the same by such proceeding in the Supreme Court as the said Court shall direct.

XVIII. The Commissioners shall not be liable for the amount so paid to any person, in case another person having better title thereunto shall afterwards appear, but the same may be recovered from the party who received the same, or his representatives, at the suit of the person entitled thereunto.

XIX. The said certificates shall be transferable by endorsement.

XX. The said Commissioners, at any time after the said First day of July, may grant a warrant to any person or persons to take and deliver to the officers of the Bombay Government any of the lands mentioned in the said plan No. 2, which warrant shall confer on such person or persons the same powers and rights which the Sheriff has for executing a writ of possession issued by the said Supreme Court.

XXI. The said Commissioners, with the consent of the Governor of Bombay in Council, to be signified in writing upon the said plan No. 2, under the hand of one of the Secretaries to the Government of Bombay, at any time before the completion of the assessment, may alter the plan No. 2, lodged with the said Commissioners, and corresponding alterations shall be made in the plan No. 1, lodged with the said Commissioners, and the Governor of Bombay in Council shall thereupon cause the like alterations to be made in the plans deposited in the Office of the Secretary to the Government of Bombay; and, if any such alterations shall be so made, the plans so altered shall to all intents and purposes of this Act be considered as the plans referred to by this Act. Provided always that, if any difference shall at any time appear between the plans deposited with the Commissioners and the plans deposited in the Office of the Secretary to the Government of Bombay, the latter shall be deemed the original and authentic plans referred to by this Act.

XXII. No action at law or other proceeding shall be brought in any Court whatever against any Commissioner under this Act for any thing done or omitted to be done by him as a Commissioner thereunder; and a certificate in writing under the hand of one of the Secretaries to the Government of Bombay shall be evidence that any such act or deed of commission or omission complained of was done by the Commissioners in execution of their powers as such Commissioners under this Act.

XXIII. On the close of the business of the said Commission, the records thereof shall become and be made a record of the Bombay Government.

XXIV. If, at the closing of the said Commission, there should appear to be any unappropriated balance of the said Foras Land Assessment Fund, the same shall be paid to the Municipal Fund of Bombay; and, if the said Foras Land Assessment Fund should prove insufficient to answer the charges upon it, the deficient amount shall be paid from the said Municipal Fund, upon an order or orders to be signed by the said Commissioners, countersigned by one of the Secretaries to the Government of Bombay.

First Schedule.

Containing the form which may be adopted for the Estimate mentioned in this Act.

No. in Plan.	Quantity in Square Yards.	Value including Improvements.

Assessment.

No. in Plan.	Quantity in Square Yards.	Amount of Assessment.

Second Schedule.

Containing the form which may be used for summonses for witnesses.

Commission under the Foras Land Act.

You are required to attend the Commissioners on at o'clock the day of to give evidence under the provisions of Act No. VI., 1851.

(Signed) _____

_____

_____

Commissioners.

THIRD SCHEDULE.

Containing the form which may be used for Certificates.

Foras Land Act VI., 1851.

This is to certify that the holder of this Certificate is a Claimant on the Foras Land Assessment Fund in respect of land taken for public purposes under Act VI., 1851, for the sum of Rupees.

(Signed) _____

_____

Commissioners.

BOMBAY.—DECREES.

ACT No. VII. OF 1851.

[*Passed on the 13th June*, 1851.

Recites expediency of altering law relating to execution of decrees.

1. Repeals R. 4, S. 61, cl. 2, and R. 29, S. 7, cl. 3, of 1827, of B. Code.

2. Enacts. Decrees in Civil Suits, whether original or in appeal, to be executed by Court in which the Original Decree was passed, and execution to be applied for to that Court.

To amend the law of the Bombay Presidency relating to execution of Decrees.

Whereas it is necessary to amend the Law of the Bombay Presidency, relating to execution of Decrees, it is enacted as follows:

I. Clause 2nd, Section LXI., Regulation IV., and Clause 3rd, Section VII., Regulation XXIX., 1827, of the Bombay Code, are repealed.

II. Decrees in Civil Suits, whether original or in appeal, shall be executed by the Court in which the original Decree was passed, and every application for execution of a Decree shall be made to the Court in which the Decree was originally passed.

Repealed by Act X., 1861.

TOLLS, BRIDGES AND ROADS.

ACT No. VIII. OF 1851.

[*Passed on the 4th July*, 1851.

Recites expediency of enabling Government to levy Tolls on Roads, &c.

1. Repeals Acts 2, 1837, and 8, 1838, but not so as to revive Acts repealed thereby.

2. The Presidency Governors (in Council) respectively may cause Tolls not exceeding rates in Schedule annexed to be levied on any Bridge or Road made or repaired by Government, and appoint persons to collect the same.

3. In case of non-payment of Toll on demand, Toll Collector may seize carriages or animals chargeable, and after 24 hours may sell the same, after notice of auction. Property seized to be released on tender.

4. No Tolls to be paid for passage of Troops and Military Stores and Equipage on march, or of Police, or property in their custody.

5. Police to assist Toll Collectors in the execution of this Act.

6. Persons not appointed to collect Tolls, or persons demanding, &c., more than legal Tolls, or knowingly seizing, &c., property unlawfully, to be liable on conviction to not more than 6 months' imprisonment, or fine not exceeding 200 Rupees, &c.

7. Table of Toll and Penalties to be put up near Toll-gate.

8. The Tolls to be deemed public revenue, but proceeds to be wholly applied to Roads and Bridges, &c.

Schedule.

An Act for enabling Government to levy Tolls on Public Roads and Bridges.

Whereas it is expedient to enable Government to levy Tolls upon Roads and Bridges, it is enacted as follows:

I. Acts II. of 1837, and VIII. of 1838, are repealed, but not so as to revive any Regulation or Act thereby repealed.

II. The Governor of the Presidency of Fort William in Bengal, the Lieutenant Governor of the North Western Provinces of Bengal, the Governor of the Presidency of Fort St. George in Council, and the Governor of the Presidency of Bombay in Council, may cause such rates of Toll, not exceeding the rates mentioned in the Schedule annexed to this Act, as they respectively think fit, to be levied upon any road or bridge which has been, or shall hereafter be made or repaired at the expense of the Government; and may place the collection of such Tolls under the management of such persons as may appear to them proper: and all persons employed in the management and collection of such Tolls shall be liable to the same responsibilities, as would belong to them, if employed in the collection of the Land Revenue.

III. In case of non-payment of any such Toll on demand, the Officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the Toll; and, if any Toll

remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the Officer appointed to superintend the collection of the said Toll, who may sell the property seized for discharge of the Toll, and all expenses occasioned by such non-payment, seizure, and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property; and the said Officer, on receipt of the property, shall forthwith issue a notice, that at noon of the next day, exclusive of Sunday, or any close holiday, he will sell the property by auction. Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the Toll payable by him, the said Officer shall forthwith release the property seized.

IV. No Tolls shall be paid for the passage of Troops and Military Stores and Equipages on their march, or of Police Officers on duty, or of any person or property in their custody: but no other exemption from payment of the Tolls levied under this Act shall be allowed.

V. All Police Officers shall be bound to assist the Toll Collectors, when required, in the execution of this Act; and for that purpose, shall have the same power which they have in the exercise of their common Police duties.

VI. Every person, other than the persons appointed to collect the Tolls under this Act, who shall levy or demand any Toll on any public road or bridge, or for passing through any bazaar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other, or higher Toll than the lawful Toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money, or any valuable thing from any person under colour of this Act, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six Calendar months, or to fine not exceeding two hundred Rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved: but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the Zillah.

VII. A Table of the Tolls authorised to be taken at any Toll-

gate or Station shall be put up in a conspicuous place near such gate or station, legibly written or printed in English words and figures, and also in those of the Vernacular language of the district, to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the Tolls and for taking any unlawful Toll.

VIII. The Tolls levied under this Act shall be deemed public revenue; but the net proceeds thereof shall be applied wholly to the construction, repair, and maintenance of roads and bridges within the Presidency in which they are levied.

SCHEDULE. — [Repealed by Act XV., 1864, and another Schedule substituted.]

BOMBAY.—GAMBLING.

ACT NO IX. OF 1851.

[*Passed on the* 11*th July*, 1851,

Recites increase of Gambling.

1. Repeals part of Art. 2, tit. 5, of Rule 11th, April, 1827, Reg. 22nd June, 1827.

2 Enacts. Persons in the Town and Island of B., keeping a common gaming house, &c., or conducting the business thereof as Banker, &c, to be liable on conviction to fine not exceeding 1,000 Rupees, or imprisonment for not exceeding 6 Calendar months, &c.

3. What shall be sufficient proof of house, &c, being a common gaming house, viz., being kept or used for playing cards, &c, and a bank being kept there by one or more players exclusively, or that the chances are not equal for all the players, &c.

4. Every person found in common gaming house playing, &c., or present for purposes of gaming, or found gaming in public street, &c., shall be liable to fine not exceeding 500 Rupees, or imprisonment not exceeding 3 Calendar months, &c.

5. Magistrate on information of suspicion of house being used as common gaming house may issue warrant to seize persons and things and make search, &c.

6. Cards, dice, gaming table or cloth being found therein shall be evidence of house, &c., being common gaming house, and that persons found were there for the purpose of gaming.

7. Instruments of gaming found in house, to be destroyed on conviction of person, &c.

8. Persons in act of gaming in streets, and cards, &c., in their possession, may be seized by Police without warrant

9. Not necessary, in order to convict, to prove that person was playing for money, &c.

10. Person concerned in any unlawful gaming, examined as witness and making true and faithful discovery, shall, on receiving from Court a certificate to that effect, be exempt from prosecution for previous gaming.

11. This Act not to apply to games of mere skill played at principal Hotels or Taverns.

12. Every person who shall by fraud or unlawful device or ill practice in playing at cards, &c, or in bearing a part, &c., or in betting, &c., or in wagering, &c., win any money or valuable thing, &c., shall be deemed guilty of obtaining by false pretence with intent to cheat, &c., and be punished accordingly.

13. No conviction, &c., under this Act to be quashed, &c., for want of form or be removed by Certiorari.

14. Fines under this Act to be recovered under Act 2, 1839.

15. Not exceeding one-fourth of fine or of proceeds of articles seized may be paid to informer, and balance shall be paid to Municipal Fund.

An Act for the prevention of Gambling in Bombay.

Repealed by Act XIII., 1856.

ADMINISTRATION OF ESTATES.

Act No. X. of 1851.

[*Passed on the* 18*th July,* 1851.

1. In case of dispute between Joint Proprietors of any Public Securities of the E. I. C., as representatives of deceased person, the Zillah Judge may grant limited Certificate according to Act 20, 1841, to Official Trustee, who shall receive interest on such Securities and pay same to persons certified as entitled, and may charge same Commission as Government Agent. But rights of other claimants not to be prejudiced by Certificate, &c.

2. If disputes among joint claimants are not made in two years from date of Certificate, Official Trustee may distribute the principal ratably among the claimants, &c.

3. Every Certificate under this Act shall annul previous Certificate as respects any smaller portion of the same Securities.

4. British representative in Foreign States may grant Certificate under this Act.

5. This Act to be construed as part of Act 20 of 1841.

To amend Act XX. of 1841 for the Administration of personal Estate of deceased persons.

For amendment and extension of the power to grant Certificates of Administration of the personal Estate of deceased persons under Act XX. of 1841, it is enacted as follows:

I. In the case of disputes among persons, claiming to be jointly entitled to be proprietors of any public Securities of the East India Company, as the representatives of any deceased person, the District or Zillah Judge, whenever sufficient cause shall be shown to him, and on the request of any such claimant, may grant a Certificate of Administration of the personal Estate of the deceased, so far as concerns the said Securities, according to Act XX. of 1841, to such person as shall be from time to time appointed by the Governor of Bengal, and Governors of Madras and Bombay in Council respectively, to act as Trustee under this Act; and shall specify in such Certificate the several persons appearing to him to be such proprietors, and their several shares; and the said Trustee, by virtue of such Certificate, shall be entitled to receive and give discharges for the interest accruing due on such Securities; and shall account for, and pay the sum to the several persons specified in the Certificate to be thereunto entitled according to the shares therein set forth; and shall be empowered to act in all other respects concerning the said Securities as Agent for such persons; and shall be entitled to the same rate of Commission upon all such transactions as is allowed to the Government Agent for the time being on the like transactions, as Agent of the public creditors of the East India Company, by any Regulations from time to time made by the Governor General of India in Council: Provided nevertheless that the right of any other person to recover the whole or any part of the moneys so paid, by regular suit against all or any of the persons to whom the same have been paid, shall not be affected by this Act.

II. If any such disputes, among persons claiming to be proprietors of public Securities of the East India Company, are not ended within two years from the date of the Certificate of Administration granted by any District or Zillah Judge, the said Trustee may apportion the principal sum of the said Securities rateably among the parties appearing from the aforesaid Certificate to be proprietors thereof, and may apply for and receive new Securities from the proper Officer appointed to issue the same, in the respective names of the several parties certified to be entitled thereto; provided that such new Securities shall be issued only according to the rules in use for the regulation and issue of such public Securities; and the receipt of the said Trustee for such

new Securities, by endorsement on the old Securities, or otherwise, shall be a legal discharge to the East India Company against the disputing parties claiming to be entitled to the several amounts for which such Securities shall be issued; provided always that if the amount of any Securities in dispute or any part thereof, shall not be sufficient to admit of their rateable division according to the rules applicable to the issue of such Securities, the said Trustee may sell and dispose of the disputed Securities, or such part as shall be necessary under this provision, and apportion the proceeds thereof among the parties entitled to receive the same.

III. Every such Certificate, granted to the Trustee appointed under this Act, shall be taken to supersede and annul any previous Certificate given of a half or any other share in the said personal Estate, so far as concerns the said Securities.

IV. As regards Residents in Foreign States, out of the jurisdiction of British Courts of Justice, a Certificate of Administration to personal Estates granted by the British Representative accredited to that State, or as regards the Residents in any district to which Act XX. of 1841 does not extend, such Certificate granted by the British Officer in that district, holding the highest executive authority, shall have the same effect, as regards public Securities of the East India Company, as a Certificate granted to a native subject of Her Majesty under the provisions of Act XX. of 1841, as amended by this Act.

V. This Act shall be construed with and as part of Act XX. of 1841.

Explained and amended by Act VIII., 1854. Repealed by Act XXVII., 1860.

BENGAL.—REGISTRATION OF DEEDS.

Act No. XI. of 1851.

[*Passed on the 26th September*, 1851.

Recites provisions of Act XXX., 1838. Enacts that Register books shall be deposited in office of Magistrate, &c.

For the Custody of Registers of Deeds in the Presidency of Bengal.

Whereas by Act XXX., 1838, provision was made for the establishment of Offices for the Registry of Deeds at any civil stations, under the superintendence of any officer resident at such stations whom Government may nominate for that purpose, and whereas the deposit of such registers among the records of the Dewanny Adawlut, as required by Regulation XXXVI., 1793, of the Bengal Code, and other Regulations cited in the said Act, is inconvenient, it is enacted as follows:

The Register Books of Offices established under Act XXX., 1838, shall be deposited in the Lower Provinces of the Presidency of Bengal, among the records of the Magistrates or Joint Magistrates, and in the North Western Provinces of the said Presidency, among the records of the Collectors of the stations where such Offices have been, or shall be hereafter established.

Repealed by Act XVI., 1864.

MADRAS.—LAND REVENUE.

ACT No. XII. OF 1851.

[*Passed on the* 14*th November*, 1851.

1. Assessable lands in Madras not assessed, to be assessed at customary rates.

2. Lakhiraj tenures of sixty years standing and none of less to be valid.

3. Collector to determine rate of assessment, subject to an appeal.

4, 5, 6. Collector may have rent-paying lands measured to ascertain the exactness of assessed quantity; and (5) order an abatement when assessed at too much; and (6) an increase when assessed at too little.

7. After demand in writing, rent may be recovered by distress and sale of goods and chattels. Collector may appoint bailiffs and appraisers to make and appraise, &c., distresses.

8 Rent paid to East India Company by under tenant may be deducted by him from his own rent.

9. Land revenue or rent of East India Company to have priority over all other claims as respects property liable.

10. Distress to proceed notwithstanding liability disputed, unless amount is deposited.

11. Arrears of rent removeable for six years after due or after acknowledgment in writing.

12. Claim to hold land rent free to be referred by Collector to Board; if disallowed by Board, land to be assessed, subject to Civil Suit.

13. Obstructing Collector, &c., to be punishable by fine, and in default of payment by imprisonment.

14. Collector may punish contempts.

15. Collector to act under superior revenue authorities.

16. Ground rents of East India Company to be deemed revenue within 21 Geo. 3, Cap. 76.

17. Actions for trespass or injury committed under colour of Act to be tried in East India Company's Courts, &c., and no action to lie more than 6 months after cause arose

18. Interprets the words "Collector" and Board of Revenue.

An Act for securing the Land Revenue of Madras.

Whereas it is expedient that the land revenue accruing due to the East India Company at Madras, within the limits of the Town of Madras, as defined in Section XII., Regulation II. of 1802, of the Madras Code, should be ascertained and collected in as summary a manner as in other parts of the territories under the Government of the East India Company, it is enacted as follows:

I. All assessable lands not the property of the East India Company, within the limits of the Town of Madras, as defined in Section XII, Regulation II. of 1802, of the Madras Code, of which the rate of assessment is not known, or which have not heretofore been assessed, shall be assessed at the rates customarily charged upon lands of a similar description in the neighbourhood, according as they may be situated respectively within or without the walls of Black Town.

II. Lakira tenures of land in Madras, of which uninterrupted possession has been held under alleged grants, exempt or partially exempt from assessment for sixty years, shall be valid: no other lakiraj tenures of land in Madras shall be deemed valid, unless the same are or shall be held under an unexpired grant from the British Government.

III. The Collector of Madras shall determine the rate of assessment to be laid on assessable land under Section I. of this Act, with reference to the rate assessed upon other land of a similar description in the neighbourhood, subject to an appeal to the Board of Revenue, to be made within six months from the notification by the Collector of the assessment fixed by him. The decision of the Board of Revenue upon such appeal shall be final.

IV. The Collector may order any assessable land, or land already assessed, or charged with a rent payable to the East India

Company, to be measured, for the purpose of determining the amount of assessment to be imposed, or in the case of land already assessed or charged with a rent, for the purpose of ascertaining whether the actual dimensions, and the dimensions upon which the amount of assessment or rent, was calculated, correspond.

V. Whenever, upon the measurement of any land under the preceding Section, it shall be found that the dimensions upon which the amount of assessment or rent was calculated exceed the actual dimensions, a proportionate abatement shall be made for the excess, on the demand of the party entitled to claim it.

VI. On the other hand, when the actual dimensions exceed the dimensions upon which the amount of assessment or rent was calculated, the excess shall be charged at the same rate as the rest of the land, the possession being left undisturbed. Provided that, when it shall appear that the excess has been caused by the surreptitious usurpation of ground belonging to another tenure, the act of the Collector in assessing it shall not prejudice the holder of such other tenure in any effort he may make to recover the ground usurped from it. An appeal shall lie to the Board of Revenue against any extra assessment or additional rent charged by the Collector for access by measurement under this Section, if preferred within six months from the date of the Collector's order. Upon such appeal the decision of the Board of Revenue shall be final.

VII. If any owner of assessed land or any person holding land subject to a rent payable to the East India Company, shall upon the written demand of the Collector, refuse or neglect to pay any sum at which the land is assessed, or with which it is charged as rent, the Collector may levy the same by distress and sale of the goods and chattels, wherever found, of such owner or lessee; or, after written demand upon the tenant or occupier, and on his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any goods and chattels found upon the land, in the manner appointed for regulating distresses for small rents in Calcutta by Act VII. of 1847, extended to Madras by Section 89, Act IX., of 1850, and for the purpose of any such distress and sale, the Collector shall have all the powers of a Judge of the Court of Small Causes under Section 89, Act IX. of 1850, aforesaid; and the Collector shall have power to appoint any of his Officers to

perform the duties of Bailiffs and Appraisers, and of the Chief Clerk of the said Court, as provided by the said Act VII. of 1847, and all the provisions of the said Act relating to the Commissioners for the recovery of small debts and their Court, shall be deemed to apply to the said Collector and his Office in the execution of this Act.

VIII. In the case of payment by any tenant or occupier not holding immediately under the East India Company, or the seizure and sale of his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

IX. The claim of the East India Company for land revenue or rent has priority over all other claims upon the land, or to which property distrained upon the land may be liable.

X. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

XI. Arrears of rent or revenue due to the East India Company are recoverable within six years next after the same are due, or next after an acknowledgment of the same in writing has been given by the person by whom the same is payable, or his Agent, and not afterwards.

XII. When a claim to hold land lakiraj, or free of assessment, shall be set up under this Act, the Collector shall inquire into the claim; taking such evidence as the claimant may offer, or the public records supply, and shall report his proceedings in the case for the consideration of the Board of Revenue. If the Board of Revenue are satisfied of the validity of the claim, they shall make an order accordingly, and such order shall be final. If they are not satisfied of the validity of the claim, they shall direct the Collector to assess the land, leaving the claimant to contest the Collector's demand in the Civil Courts, as herein provided.

XIII. Any person obstructing or molesting the Collector, or any of his subordinate officers in the execution of their duty, hall, on conviction before a Magistrate of the Town of Madras, be liable to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment in the common gaol for a term not exceeding six months, or until the fine is sooner paid.

XIV. The Collector may punish any contempt committed in his presence in open cutcherry or office, by fine not exceeding two hundred rupees, and, in default of payment, by imprisonment in the common gaol for a term not exceeding one month. From every such order of fine or imprisonment an appeal shall lie to the Board of Revenue, whose decision shall be final.

XV. The Collector shall act in the execution of this Act, under the usual control of the superior Revenue authorities.

XVI. The ground rents payable to the East India Company from lands in Madras are revenue within the meaning of the Act of Parliament, 21 Geo. III., Cap. 70; and the Supreme Court of Judicature established by Royal Charter at Madras has not any civil jurisdiction concerning the said ground rents or concerning any thing ordered or done in the assessment or collection thereof.

XVII. All actions concerning any trespass or injury committed by any Revenue officer, acting under colour of this Act, or concerning any claim in respect of any goods taken by, or any moneys paid to, any Revenue officer under this Act, or concerning any claim of rent or revenue on the part of the East India Company under this Act, shall be tried and determined in the Civil Courts established by the East India Company, in the Zillah of Chingleput, notwithstanding that the cause of action in respect of which such action is brought, arose, or the defendant therein reside, within the limits of the Town of Madras, and every such action shall be brought within six months after the cause of action arose, and not afterwards.

XVIII. The words "Collector" and "Board of Revenue" used in this Act, shall be taken to mean any person or persons lawfully appointed to exercise the powers vested in the Collector and Board of Revenue respectively under this Act.

SIR THOMAS TURTON'S DEBTS.

ACT No. XIII. OF 1851.

[*Passed on the 21st November*, 1851.

Repeals so much of S. 3 of Act No. 5 as directs payment to be made of debts mentioned in Schedules B and D.

An Act to amend Act No. V. of 1851.

Obsolete.

STRAITS' SETTLEMENTS.—OPIUM FARM.

Act No. XIV. of 1851.

[*Passed on the 21st November*, 1851.

1. Repeals R. 2, 4, 5, of 1830, of Governor of Settlements; R. 4, 1831, and Act 5, 1833, and R. 10, 1833.

2. Right of making Chandoo, &c., and of retailing Chandoo, &c., and of retailing Spirituous Liquors, &c., and of making Arrack, &c., and of selling Toddy, &c., within Straits' Settlements to be vested in licensed dealers, &c.

3. Persons having the above-mentioned exclusive rights to be respectively called "Opium Farmer," "Spirit Farmer," "Toddy Farmer," &c.

4. Number of houses permitted to be licensed to be fixed by Governor, &c.

5. Superintendent of Police to issue licenses to persons to whom exclusive right is granted, who are to pay fees specified.

6, 7. Farmers selling, &c., Opium, &c., otherwise than for current coin to be liable to penalty; and (7) same provision against any persons paying wages of servants or labourers with Opium, &c.

8, 9. Keeper of registered house, &c., allowing gambling therein, to be liable to penalty, and (9) same provision against allowing persons with offensive weapons, &c., to be therein.

10. Persons other than Farmers making, importing or receiving Chandoo, &c., to be liable to penalty, and the prohibited article liable to be seized, &c.

11. Persons other than Opium Farmer selling, &c., or buying from other than Opium Farmer less than a chest, &c, to be liable to penalty.

12. But these provisions not to apply to Medical Practitioners, &c.

13, 14. Persons importing into Settlement, &c., or having control over raw Opium less than a chest to be liable to penalty, but (14) if person having such Opium in 24 hours after arrival of ship gives notice to Opium Farmer, he may have a permit to land or deposit same, &c., and if he does not give such notice, to be liable to penalty.

15. Person other than Opium Farmer exporting Opium by land, to be liable to penalty.

16. Prescribes what a person shall do, who is desirous of exporting less than a chest of Opium by sea.

17. Person having export permit and not shipping in conformity to it, to be liable to penalty.

18. Unauthorized person making Chandoo, &c., for consumption on ship board liable to penalty, &c.

19. Person buying or selling, &c., Opium less than a chest to be liable to penalty, &c.

20. Justice of the peace on information may issue warrant to search for, &c., Opium, &c.

21. Person other than the Opium Farmer selling Tye-Chandoo, &c., to be liable to penalty.

22. Registered Opium Shop keeper selling Opium not bought from Opium Farmer, liable to penalty.

23. Prescribes what a person other than the Spirit Farmer shall do, who imports Spirituous Liquor, &c., into Settlement, &c.

24. Persons other than Spirit Farmer selling otherwise than for exportation, Spirituous Liquor, &c., in less than specified quantity, to be liable to penalty.

25. Person other than Spirit Farmer, removing, &c , Spirituous Liquor, &c., from one shop, &c., to another without permit to be liable to penalty.

26. Spirit Farmer to grant permit for removal of Spirituous Liquor within certain hours, &c.

27. J. P. may grant Warrant to Spirit Farmer to enter houses, &c., examine Spirits, &c.

28. Tavern keepers may sell Spirits to be drunk on premises, &c.

29. Eating house keepers, &c., selling Spirits, &c., not bought of licensed dealer to be liable to penalty, &c.

30. Spirit Farmer, and registered Eating House Keeper, &c., selling, &c., to European or Native Soldier Spirits without authority in writing of Commanding Officer to be liable to penalty.

31. Spirit Farmer, &c., selling, &c., adulterated Spirits, &c., to be liable to penalty, &c.

32. Sugar manufacturers also desirous of having distillery at Sugar house to obtain license from Superintendent of Police.

33. Licensed distiller to sell to no one but Spirit Farmer for exportation less than specified quantity of Spirits.

34. Person other than Spirit Farmer, &c., distilling, &c., Spirits, &c., or keeping still, &c., to forfeit penalty.

35. Person other than Spirit Farmer distilling Samsoo, &c., or keeping still, &c., to be liable to penalty.

36. Samsoo not to be landed, except for sale to Spirit Farmer, &c.

37. This Act not to apply to Spirit, &c., imported and exported on account of Government.

38, 39. Toddy and Bang to be sold by producer only to Toddy Farmer, &c., and (39) other persons having any in their possession, not purchased of Farmer to be liable to penalty.

40. Registered Toddy Shop keeper selling Toddy, &c., which he cannot prove to have been purchased of Farmer, to be liable to penalty, &c.

41. Toddy Farmer, &c., knowingly selling Toddy, &c., to European or Native Soldier, without written authority of Commanding Officer, to forfeit penalty.

42. License fees, to whom to be paid, penalties, &c., to be paid to "Municipal Fund."

43, 44, 45. J. P. may issue search warrant to search for, &c., articles subject to forfeiture, and may order arrest of persons, &c., and (44) Peace Officer may arrest without warrant persons found committing breach of Act; but (45) Peace Officers so doing without reasonable ground to be liable to penalty.

46. Revenue Officer not to act under this Act unless specially appointed so to do, &c.

47. Farmer, &c., taking from offenders, &c., against this Act, a bribe to compromise, liable to penalty.

48. Convictions may be obtained either on confession, or evidence, and penalties to be levied by distress, &c, and in lieu of penalty offender may be imprisoned.

49. Convictions under this Act to be in Schedule form, and not liable to be questioned, and warrant of commitment not to be avoided for defect of form.

50. Dependencies on Straits' Settlements to be included in this Act.

51. Act to take effect from 1st May, 1852.

Schedules A, B, C, D, E, F.

An Act for consolidating the laws for collecting a Revenue of Excise on Spirituous Liquors and intoxicating Drugs in the Settlement of Prince of Wales' Island, Singapore and Malacca.

I. Regulations II., IV., and V., of 1830, passd by the Governor of Prince of Wales' Island, Singapore, and Malacca in Council, Regulation IV. of 1831, and Act No. V. of 1839, passed by the President of the Council of India in Council, and Regulation X. of 1833, passed by the Governor General of India in Council are repealed.

Repealed by Act XXX., 1866, except repealing enactment.

BOMBAY.—COTTON.

ACT No. XV. OF 1851.

[*Passed on the* 21*st November*, 1851.

1, 2. Persons in the I. of Bombay or Colaba fraudulently mixing Cotton of good and bad quality, or (2) deteriorating Cotton by exposure, or by means of dirt, shall be guilty of misdemeanour.

3, 4. Persons in I. of B. or C. selling under false sample such Cotton, or (4 knowingly having in his possession such Cotton with intent to sell, to be guilty of misdemeanour.

5. Misdemeanour under this Act to be tried by Petty Sessions.

6, 7. Cotton specified in Ss 1 and 2 to be liable to Confiscation; and (7) Petty Sessions, &c., on information may issue search warrant for seizure of same, and may order confiscation.

8. Penalties to be paid into General Treasury.

9. Whole or part of penalty may be awarded to informer.

10. Nothing in this Act to affect the civil rights of defrauded party.

An Act for the better suppression of frauds in respect of Cotton in Bombay.

For the better suppression of fraudulent practices in the Cotton Trade in Bombay, it is enacted as follows:

I. Any person who, in the Islands of Bombay or Colaba, shall fraudulently mix Cotton of a good and bad description or quality in one bale, usually termed false packing, shall be deemed guilty of a misdemeanour.

II. Any person who in the Islands of Bombay or Colaba, shall fraudulently deteriorate Cotton by exposing it by night to heavy dews, or by putting with it uncleaned Cotton, commonly called Kuppas, or by means of dirt, stones, earth, water, or any other substance or liquid, or who shall in any other way fraudulently deteriorate it with the view of making it heavier, and packing it in that state, shall be deemed guilty of a misdemeanour.

III. Any person who, in the Islands of Bombay or Colaba, shall fraudulently sell or offer for sale under false sample, or otherwise, any Cotton mixed, or adulterated, as in the first and second Sections of this Act mentioned, shall be deemed guilty of a misdemeanour.

IV. Any person who, in the Islands of Bombay or Colaba, shall, knowingly and wilfully, have in his possession any such mixed or adulterated Cotton as aforesaid, with a view to any fraudulent sale or disposition thereof, shall be deemed guilty of misdemeanour.

V. Any person committing a misdemeanour against this Act shall be tried summarily for the same before the Court of Petty Sessions at Bombay, and on conviction shall be liable to a fine not exceeding one thousand Rupees, or imprisonment, with or without hard labour, not exceeding twelve months, and at the discretion of such Court to both fine and imprisonment: Provided always that it shall be lawful for the Chairman of the said Court to commit, or hold to bail, any person charged with any misdemeanour under this Act to take his trial in the Supreme Court.

VI. All Cotton in the Islands of Bombay or Colaba, which shall be fraudulently mixed, as mentioned in the first Section of this Act, or which shall be fraudulently deteriorated as mentioned in the second Section of this Act, shall be liable to confiscation.

VII. The said Court of Petty Sessions, upon credible information on oath of any Cotton liable to confiscation under this Act being in Bombay or Colaba, may order the seizure thereof, and the Chairman of such Court may issue a warrant for searching for and seizing the same, and upon the same being proved to the satisfaction of the said Court to be liable to confiscation, may

order the confiscation thereof, whereupon the same shall be confiscated, and the said Court of Petty Sessions shall cause an intimation of every such confiscation to be forthwith given to the Collector of Customs at Bombay, who shall forthwith cause a valuation of the confiscated Cotton to be made, and furnish the same to the said Court of Petty Sessions, who shall thereupon make over the confiscated Cotton, with the valuation thereof, to the Bombay Government, and the said Government shall keep the said confiscated Cotton, and shall from time to time export the same to Europe, to be there disposed of as adulterated or deteriorated Cotton.

VIII. All fines, levied and recovered under this Act, shall be paid into the General Treasury at Bombay.

IX. The said Court of Petty Sessions, as to any fine paid to such Court, or Cotton confiscated by its order under this Act, and the Supreme Court as to any fine on conviction in such Court respectively, may award the whole or any part of the fines recovered, and any portion of the valuation by the said Collector of Customs of confiscated Cotton, not exceeding two-thirds of the amount of such valuation, to be paid to the informer or informers, whose information shall have led to the conviction of the offender, or confiscation of the Cotton respectively, and may grant such informer or informers an order on the General Treasury at Bombay for the amount so awarded.

X. Nothing in this Act shall affect the Civil rights of any parties defrauded by any offender against this Act, but they may sue for the same as if this Act had not been passed.

CRIMINAL LAW.—RECEIVERS.

Act No. XVI. of 1851.

[*Passed on the 26th December*, 1851.

Receivers of Stolen Property may be tried in place where Property is found in their possession, or where they received the Property.

An Act for the trial of Receivers of Stolen Property.

Repealed by Act XVII., 1862.

INDEX.

1834—1851.

INDEX.

1834-51.

ABKAREE REVENUE. (*Calcutta.*)

Act for securing, 697; amended, *see note*, 706.

Collection of, to be under charge of Collector, 697, who may appoint Abkaree Officers, *ib*, and employ Deputy, *see note*, 706.

License necessary for retail dealers, 697; in what form, 698; may be withdrawn, 699; and as to what shall be a retail dealing, 698; and what penalties attaches to infraction of law, *ib*.

ABKAREE OFFICERS. (*Calcutta.*)

Their powers, duties, and protections, 700 *et seq.*; and rewards, 704; may be appointed by whom, 697.

ABSENT WITNESSES.

Act for more uniform and improved process of taking the examination of, 268 *et seq.*; repealed, *see note*, 271.

ACCEPTANCE. *See Bill of Exchange.*

ACCOUNTANTS. *See Public Accountants.*

ACTS OF THE LEGISLATIVE COUNCIL—*repealed, annulled, expired, obsolete, amended, and extended*

1834 Act 1 (Governor General) expired, 1

" 2 (Chief Secretaries) expired, 1

1835 1 (Governor of Madras) expired, 1.

" 2 (Assam, Arracan, and Tenasserim) partially repealed, *see note*, 2

" 3 (The Ceded and Conquered Provinces) obsolete, 2

" 4 extended to Madras, 693

" 8 (Decrees for Rent) repealed, *see note*, 4

" 9 (Salt Chokies) modified, 7, *see note*, 7

" 10 (Law of Evidence) repealed, *see note*, 7

" 14 (Magistracy) repealed, *see note*, 12

" 15 (Witnesses) repealed) *see note*, 12

" 17 (Coinage) repealed in part, *see notes*, 13, 14, 15

" 18 (Chuprasses) repealed, *see note*, 16

" 20 (Police, Bombay) repealed, *see note*, 17

" 21 (Copper Coinage) repealed, *see note*, 18

ACTS OF THE LEGISLATIVE COUNCIL.—*Continued.*

1836 1 (Light-house Funds) *see note*, 18
" 2 (Customs' Duties, Bombay) repealed, *see note*, 18
" 4 (Insolvent Debtors' Act), expired, *see note*, 19
" 5 (Civil Procedure, Bengal) repealed, *see note*, 19
" 7 (Local Taxation, Bombay) s. 1 obsolete, s. 2 annulled, *see note*, 20
" 12 (Furruckabad) repealed, *see note*, 24
" 14 (Transit Duties, Bengal) repealed, *see note*, 27
" 15 (Subathoo) repealed, *see note*, 27
" 17 (Begum Sumroo) obsolete, *see note*, 29
" 18 (Abolition of Tolls) repealed, *see note*, 29
" 19 (Bank of Bengal) repealed, *see note*, 31
" 20 (Butwarra, Bengal) repealed as respects N. W. P., *see note*, 32
" 22 (Eastern Canal) amended and partially repealed, *see note*, 35
" 23 (Goomsur and Soorada) repealed, *see note*, 35
" 25 (Public Warehousing Act) repealed, *see note*, 38
" 27 (Vakeels, Madras) superseded, *see note*, 39
" 28 (Municipal Rates, Madras) repealed, *see note*, 40
" 30 (Gang-Thuggee) repealed, *see note*, 41
" 32 (Foreign Sugar) repealed, *see note*, 42

1837 1 (Police Magistrates) extended to Madras, 693
" 2 (Bhore Ghaut Tolls) repealed, *see note*, 43
" 3 (Civil Procedure, Bengal) repealed, *see note*, 43
" 5 (Emigration) repealed *see note*, 45
" 8 (Anjengo and Changancherry) repealed, *see note*, 46
" 12 (Calcutta Conservancy) repealed, *see note*, 53
" 13 (Courts Martial) obsolete, *see note*, 53
" 14 (Foreign Bottoms) repealed, *see note*, 54
" 15 (House Tax, Bengal) repealed, *see note*, 54
" 16 (Custom House Regulations, Bengal) repealed, *see note*, 58
" 17 (Post Office) repealed, *see note*, 58
" 18 (Thuggee Murder) extended, *see note*, 58
" 19 (Witnesses) superseded, *see note*, 59
" 21 (Office Oaths) s. 4 repealed, *see note*, 61
" 22 (Chingleput, Madras) ss. 3, 5 repealed, *see note*, 62
" 23 (Superintendent of Police—Bengal) repealed, *see note*, 62
" 25 (Civil Procedure) repealed, *see note*, 68
" 26 (Governor General) expired, *see note*, 68
" 27 (Salt Act, Bombay) s. 1 repealed, 487 ; s. 7 extended, *see note*, 71 ; s. 12 repealed, *see note*, 72.
" 30 (Police, Madras) repealed, *see note*, 74
" 31 (Coinage) repealed, *see note*, 74
" 32 (Emigration) repealed, 75

ACTS OF THE LEGISLATIVE COUNCIL.—*Continued.*

1837 33 (Police) repealed, *see note*, 75
" 35 (Procedure, Madras) repealed, *see note*, 77
" 37 (Political Offences, Bombay) repealed, *see note*, 79
1838 1 (Bombay Customs' Act) repealed, 84
" 2 (North Western Provinces—Salt Act) repealed, 84
" 3 (Anjengo, &c) repealed, *see note*, 84
" 5 (Bengal Bonded Warehouse) ss. 12, 14, 32, 37 repealed, *see notes*, 89, 93, 94
" 6 (Inquiry against Public Servants) repealed, *see note*, 96
" 7 (Procedure) repealed, *see note*, 96
" 8 (Bhore Ghaut Tolls) repealed, *see note*, 97
" 9 (Tolls, Bombay) repealed, *see note*, 97
" 11 (Ameens, Bengal) repealed, *see note*, 98
" 13 (Bengal Reg. XII. of 1833) repealed, *see note*, 98
" 17 (Appeals, Madras) repealed, *see note*, 103
" 20 (Post Office) repealed, *see note*, 110
" 21 (Coinage) repealed, *see note*, 111
" 22 (Summary Appeals) repealed, *see note*, 112
" 24 (Bank of Bengal) repealed, *see note*, 114
" 25 (Wills' Act) superseded, *see note*, 124
" 26 (Sirsee) repealed, *see note*, 125
" 27 (Procedure, Bengal) repealed, *see note*, 125
" 29 (Salt Revenue, Bengal) amended, 828, and *see note*, 138
" 30 (Registration of Deeds) repealed, *see note*, 140
" 31 (Supreme Courts—Criminal Law) repealed, *see note*, 143
" 32 (Justices of the Peace) extended to Madras, *see notes*, 143 and 693
1839 1 (Distress for Rent, Bengal) repealed, *see note*, 144
" 2 (Fines) repealed, *see note*, 145
" 3 (Exemptions) repealed, *see note*, 146
" 4 (Offences, Straits') part repealed, *see note*, 149
" 5 (Opium Farm, Straits') repealed, *see note*, 149
" 6 (Bank of Bengal) repealed, *see note*, 162
" 8 (Chinchuee) partially repealed, 164
" 9 (Suits in Formâ Pauperis) repealed, *see note*, 165
" 12 (Municipal Rates, Straits') repealed, *see note*, 167
" 13 (Port Dues, Madras) contingently repealed, *see note*, 168
" 14 (Emigration) partially repealed, *see note*, 168
" 15 (Foreign Sugar) repealed, *see note*, 169
" 17 (Post Office) repealed, *see note*, 178
" 18 (Thuggee) repealed, *see note*, 179
" 19 (Criminal Trials) repealed, *see note*, 179
" 21 (Calcutta—Justices) repealed, *see note*, 181
" 22 (Prisoners' Counsel) extended, *see note*, 182

ACTS OF THE LEGISLATIVE COUNCIL.—*Continued*

1839 23 (Courts Martial) repealed, *see note*, 183
" 26 (Public Servants) repealed, *see note*, 187
" 27 (Courts of Request) superseded, *see note*, 188
" 28 (Bombay Building Act) repealed, *see note*, 191
" 31 (Offences against the Mint) abrogated, *see note*, 200

1840 1 (Futwa) repealed, *see note*, 201
" 2 (Courts Martial) repealed, *see note*, 201
" 4 (Affrays, Bengal) repealed, *see note*, 223
" 5 (Judicial Oaths) ss. 2, 3 repealed, 224; s. 4 construed, 587, and afterwards repealed, *see note*, 224
" 11 (Convicts, Bombay) ss. 2, 3 repealed, *see note*, 232
" 12 (Municipal Rates, Straits') repealed, *see note*, 233
" 13 (Factors' Act) amended, *see note*, 243
" 14 (Form of Agreement) partially superseded, *see note*, 247
" 17 (Madras Salt Act) amended, *see note*, 250
" 18 (Spirit Licenses, Bombay) repealed, *see note*, 250
" 19 (Appeals, Bengal) repealed, *see note*, 250
" 20 (Revenue Sales, Bengal) superseded, *see note*, 250
" 21 (Procedure, Bengal) obsolete, *see note*, 251
" 22 (Vagrants) repealed, *see note*, 251
" 23 (Procedure) ss. 1 to 7 superseded, *see note*, 255
" 24 (Calcutta Municipal Rates) repealed, *see note*, 255
" 25 (Abkaree Revenue, Bengal) repealed, *see note*, 257

1841 2 (Spirit Licenses, Bombay) repealed, *see note*, 261
" 3 (Petty Offences, Bombay) repealed, *see note*, 261
" 6 (Rum) repealed, *see note*, 267
" 7 (Procedure) repealed, *see note*, 271
" 8 (Interpleader) ss. 1 to 6 superseded, *see note*, 272
" 9 (Abkaree Revenue, Bengal) repealed, *see note*, 273
" 10 (Ship Registry) s. 13 repealed, 756; s. 24 supplemented, 756; and amended, 756
" 11 (Military Courts of Requests) extended, *see note*, 296
" 12 (Land Revenue Sale Law, Bengal) repealed, &c., ss. 1, 2, *see note*, 312
" 13 (Public Warehousing Act) repealed, *see note*, 312
" 14 (Conservancy, Bombay) repealed, *see note*, 313
" 15 (Calcutta Residents) repealed, *see note*, 313
" 16 (Oaths of Office) partially repealed and amended, *see note*, 314
" 17 (Appeals, Bengal) repealed, *see note*, 315
" 18 (Military Stores) s. 2 repealed, *see note*, 316

1841 19 (Curators) extended to Madras and Bombay, *see note*, 323
" 19 s. 20 repealed, *see note*, 323

ACTS OF THE LEGISLATIVE COUNCIL.—*Continued.*

1841 20 (Collection of Debts) amended, explained, and repealed *see note*, 327
" 21 (Local Nuisances) partially superseded and repealed, *see note*, 330
" 22 (Municipal Rates, Madras) repealed, *see note*, 331
" 23 (Rum, Madras) repealed, *see note*, 332
" 24 (Illusory Appointments) extended to Straits', *see note*, 333
" 25 (Contempts in Equity) ss. 1, 2 repealed, *see note*, 334
" 26 (Law Amendment) s. 6 repealed, *see note*, 337
" 28 (Courts Martial) repealed, *see note*, 340
" 29 (Civil Procedure) repealed, *see note*, 341
" 30 (Obstructions to Justice) repealed, *see note*, 342
" 31 (Criminal Appeals) repealed, *see note*, 345

1842 1 (Calcutta Abkaree) repealed, *see note*, 345
" 2 (Governor General) expired, *see note*, 345
" 3 (Petty Thefts) repealed, *see note*, 346
" 10 (Municipal Committee, Bengal) repealed, *see note*, 371
" 11 (Foreign Sugar) repealed, *see note*, 371
" 12 (Military Bazaars) extended, *see note*, 371, *et seq.*
" 14 (Nuisances, Bombay) repealed, *see note*, 376
" 15 (Emigration, Mauritius) repealed, *see note*, 376

1843 1 (Registration) repealed, 389
" 2 (Appeals, Bengal) repealed, *see note*, 390
" 3 (Special Appeals) repealed, *see note*, 390
" 4 (Appeals) extended and repealed, *see note*, 392
" 6 (Civil Procedure, Bengal) repealed, *see note*, 394
" 7 (Provincial Courts, Madras) ss. 10, 11, 14, 17 (cl. 1), 18, 19, 25, 27, 29 to 35, 41 to 43, 49, 51, 54 to 56, repealed, *see note*, 403, and the notes to the repealed sections.
" 8 (Provincial Courts) obsolete, 404
" 10 (Kurnool and Bunganapilly) repealed, *see note*, 425
" 12 (Judicial Language) extended and repealed, *see note*, 430
" 13 (Public Officers) repealed, *see note*, 431
" 14 (North Western Provinces, Internal Customs) ss. 2 and 14 part repealed and supplemented, *see note*, 433
" 17 (Official Trustees) extended to Straits', *see note*, 441
" 20 (The Governor General) expired, 443
" 21 (Emigration) repealed, *see note*, 443
" 24 (Dacoity) repealed, *see note*, 445
" 25 (Foreign Manufactures) repealed, *see note*, 446

844 1 (Nabob of Carnatic) partially expired, *see note*, 446
" 3 (Corporal Punishment) repealed, *see note*, 448
" 6 (Transit Duties, Madras) ss. 4, 5, 6, 17 to 41, 46 to 68 repealed, *see note*, 458, and *notes* to repealed sections

ACTS OF THE LEGISLATIVE COUNCIL.—*Continued.*

1844 7 (Witnesses) repealed and superseded, *see note*, 459
" 8 (Military Convicts) repealed, *see note*, 460
" 9 (Jurisdiction) ss. 1, 3, 4, 5 repealed, *see note*, 460
" 11 (Supreme Court, Calcutta) superseded, *see note*, 463
12 (Indian Navy) amended and supplemented, *see note*, 485
" 13 (Coinage) expired, 485
" 15 (Customs' Duties) repealed, *see note*, 486
" 16 (Salt Duty) ss. 2 and 6 repealed, *see note*, 487
" 17 (Administration of Colaba) repealed, *see note*, 488
" 21 (Emigration) repealed, *see note*, 498
" 22 (Copper Coinage) s. 1 partially repealed, *see note*, 499
repealed, *see note*, 499

1845 1 (Revenue Sale Law) repealed, *see note*, 516
" 2 (Adultery) repealed, *see note*, 517
" 3 (Procedure) repealed, *see note*, 517
" 4 (Registration of Deeds) repealed, *see note*, 518
" 5 (Mahomedan Law Officers) s 2 repealed, *see note*, 519
" 8 (Security for Costs) repealed, *see note*, 523
" 9 (Import Duties) repealed, *see note*, 523
" 10 (Procedure—Warrants) repealed, *see note*, 523
" 11 (Municipal Funds, Bombay) repealed, *see note*, 525
" 14 (Moonsiffs Nazirs) repealed as respects North Western Provinces, *see note*, 527
" 15 (Privileges of Native Army) ss. 1, 2, 3, 4, 5 repealed, *see note*, 527
" 16 (Procedure—Appeals) repealed, *see note*, 528
" 17 (Procedure—Witnesses) repealed, *see note*, 529
" 18 (Transportation of Life Convicts) repealed, *see note*, 530
" 19 (Assam Company) repealed, *see note*, 531
" 20 (Articles of War—Native Army) repealed, *see note*, 541
" 22 (Governor General) expired, 543
" 23 (Union Bank of Calcutta) obsolete, 543
" 24 (Bengal Pilot Court) repealed, *see note*, 558
" 25 (Emigrant Ships from Calcutta) repealed, *see note*, 559
" 26 (Spirit Licenses, Calcutta) repealed, *see note*, 569
" 27 (Assistant Magistrates, Bengal) repealed, *see note*, 569
" 30 (Fines and Compensation) repealed, *see note*, 563
" 31 (Army Pensions) repealed, *see note*, 563

1846 1 (Pleaders, Bengal) ss 1, 2, 10, 11 repealed, *see notes*, 567 568, 569
" 2 (Cotton, Bombay) repealed, *see note*, 569
" 4 (Land Sales under Decrees, Bengal) repealed, *see note*, 572,
" 7 (Diet Money, Bengal) repealed, *see note*, 574
10 (Distress for Rent) repealed, *see note*, 579

ACTS OF THE LEGISLATIVE COUNCIL.—*Continued.*

1847 3 (Police, Straits') repealed, *see note*, 587
" 5 (Gaols) repealed, *see note*, 589
" 6 (Copper Coinage, Straits') s. 2, c. 3, repealed, 590
" 8 (Distresses for Small Rents, Calcutta) extended, *see note* 596
" 10 (Convicts) repealed, *see note*, 601
" 13 (Emigration) repealed, *see note*, 602
" 16 (Calcutta Municipal Commissioners) repealed, *see note*, 606
" 17 (Civil Procedure, Bengal and Madras) repealed, *see note*, 607
" 18 (Registration of Deeds, Bengal) repealed, *see note*, 607
" 19 (Articles of War—Native Army) repealed, *see note*, 617
" 20 (Copyright) s. 4 repealed, *see note*, 621
" 22 (Municipal Improvements, Calcutta) repealed, *see note*, 644
" 23 (Transportation) superseded, *see note*, 644

1848 1 (Forgery, Bengal) repealed, *see note*, 645
" 2 (Calcutta Municipal Commissioners) repealed, *see note*, 649
" 3 (Thuggee) repealed, *see note*, 650
" 5 (Mochulkas, Bengal) repealed, *see note*, 653
" 6 (Foreign Bottoms) s. 3 repealed, *see note*, 654
" 7 (Customs' Duties) repealed, *see note*, 654
" 8 (Bengal—Ryots) repealed, *see note*, 655
" 9 (Municipal Rates, Straits') repealed, *see note*, 656
" 11 (Wandering Gangs of Thieves) repealed, *see note*, 660
" 12 (Calcutta Court of Requests) superseded, *see note*, 660
" 13 (Limitation of Suits) susperseded, *see note*, 661
" 19 (Criminal Sentences, Bengal and Madras) *see note*, 668
" 22 (Supreme Courts—Forgery) repealed, *see note*, 671
" 23 (Abkaree, Bengal) repealed, *see note*, 671
" 24 (Governor General) expired, *see note*, 671

1849 3 (Union Bank of Calcutta) obsolete, 680
" 4 (Criminal Lunatics) partially repealed, *see note*, 681
" 7 (Administrator General, Bengal) amended, extended, repealed, *see note*, 692
" 8 (Police Magistrates, Madras) repealed, *see note*, 693
" 11 (Abkaree, Calcutta) s. 12 repealed, *see note*, 699; amended *see note*, 706
" 14 (Tampering with Army and Navy) repealed, *see note*, 716
" 15 (Stamps, Bombay) repealed, *see note*, 716

1850 1 (Land Titles, Calcutta) repealed, *see note*, 718
" 2 (Administrator General) repealed, *see note*, 719
" 3 (Civil Jurisdiction, Madras) repealed, *see note*, 720
" 4 (Procedure, Bengal) repealed, *see note*, 720

ACTS OF THE LEGISLATIVE COUNCIL.—*Continued.*

1850 6 (Military Offences) repealed, *see note*, 721
" 7 (Removal of Prisoners) repealed, *see note*, 722
" 8 (Appeals, Bengal) repealed, *see note*, 722
" 10 (Aden) repealed, *see note*, 755
" 13 (Criminal Breach of Trust) partially repealed, *see note*, 763
" 14 (Criminal Law, Straits') repealed, *see note*, 764
" 15 (Moonsiffs, Bengal) repealed, *see note*, 764
" 16 (Robbery) repealed, *see note*, 764
" 17 (Land for Public Purposes, Bombay) repealed, *see note*, 765
" 22 (Governor General) expired, *see note*, 776
" 24 (Tobacco Duty) ss. 2, 3, 4 repealed, *see note*, 780
" 25 (Land Revenue, Bengal) repealed, *see note*, 781
" 27 (Merchant Seamen—Registry) repealed, *see note*, 785
" 28 (Merchant Seamen) repealed, *see note*, 787
" 30 (Pleaders) ss. 2, 3, 4 repealed, *see note*, 789
" 34 (State Prisoners) extended and amended, *see note*, 793
" 36 (Articles of War—Native Army) repealed, *see note*, 797
" 38 (Prisoners' Counsel) repealed, *see note*, 804
" 40 (Pawnbrokers, Straits') repealed, *see note*, 806
" 42 (Public Works, Bengal) extended and repealed, *see note*, 810
" 43 (Joint Stock Companies) repealed conditionally, and with exceptions, *see note*, 826
1851 1 (Fines, Bengal) repealed, *see note*, 827
" 4 (Uncovenanted Service, Bombay) repealed, *see note*, 831
" 5 (Sir Thomas Turton's Debts) obsolete, *see note*, 832
" 7 (Decrees, Bombay) repealed, *see note*, 840
" 8 (Tolls) schedule repealed, *see note*, 843
" 9 (Gambling, Bombay) repealed, *see note*, 844
" 10 (Administration of Estates) repealed, *see note*, 846
" 11 (Registration of Deeds) repealed, *see note*, 847
" 13 (Sir Thomas Turton's Debts) repealed, *see note*, 851
" 14 (Excise, Straits') repealed, *see note*, 854
" 16 (Receivers) repealed, *see note*, 856

ACTS OF PARLIAMENT—*repealed, extended, and locally enacted for India.*

32 H. 8 c. 1 (Wills) abrogated, 118
34 and 35 H. 8 c. 5 (Wills) abrogated, 118
10 Car. 1 sess. 2, c. 2 (1) (Wills) abrogated, 118
29 Car. 2, c. 3, ss. 5, 6, 12, 19, 20, 21, 22 (Stat. Frauds), abrogated, 118
7 W. 3, c. 12 (1) (Wills) abrogated, 118
4 and 5 Anne, c. — (Wills) abrogated, 118
6 Anne, c. — s. — (Wills) abrogated, 118
14 Geo. 2, c. 20, s. 9 (Wills) abrogated, 118

ACTS OF PARLIAMENT.—*Continued.*

25 Geo. 2, c. 6 (Wills) abrogated, 118
25 Geo. 2, c. 11 (Wills) abrogated, 118
9 Geo. 3, c. 74 (Criminal Justice) ss. 99 to 104, repealed, 760
33 Geo. 3, c. 52 (Distress Warrants) altered, 143
53 Geo. 3, c. 55, s. 107 (British subjects exemptions) repealed, 23
58 Geo. 3, c. 93 (Bills of Exchange) extended, 225
1 and 2 Geo. 4, c 78 (Bills of Exchange), 225
4 Geo. 4, c. 83 (Factors), 234
6 Geo. 4, c. 94 (Factors), 236
9 Geo. 4, c. 14 (Written Memorandum), 244
9 Geo. 4, c. 73 (Insolvent Debtors) re-enacted, 334, since superseded by 11 Vict., c. 21, s. 43
9 Geo. 4, c. 74 (Coin), amended, 199
9 Geo. 4, c. 74, ss. 59, 60, 61, 80, 81, 82, 84, 85, 90 partly, obsolete ss 114 117, 119 (Criminal Law), repealed, 140, and superseded, *see note*, 143
9 Geo. 4, c. 74, s. — (as to Execution for Murder), amended,
10 Geo. 4, and 1 W. 4, c. 47 (Payment of Debts out of Real Estate), 333
11 Geo. 4, c. 40 (Undisposed of Residues of Estates), extended, 332
11 Geo. 4, c. 46 (Illusory Appointments), extended, 332
11 Geo. 4, c. 60 (Infants, &c.), extended, 332
11 Geo. 4, c. 65 (Compulsory Transfers by Trustees), extended, 332
2 and 3 W. 4, c. 98 (Bills of Exchange), extended, 225
11 Geo. 4 and 1 W. 4, c. 40 (respecting Undisposed of Residues of Estates of Testator), 332
Same statute, c. 46, respecting Illusory Appointments, 332
Same statute, c. 60, respecting Conveyances of Estates, and enabling Courts of Equity to give effect to their Decrees, 333
Same statute, c. 47, ss. 10, 11, respecting the Payment of Debts out of Real Estate, 333
3 and 4 W. 4, c. 42, s. 28, extended, 200; ss. 26, 29, 39, 40, 41, extended, 228; other parts of, extended, 336
3 and 4 W. 4, c. 105 (Dower), extended, 192
3 and 4 W. 4, c. 106 (Inheritance), extended, 195
6 and 7 W. 4, c. 58 (Bills of Exchange), extended, 225
c. 114 (Prisoners' Counsel), extended, 181
3 and 4 W. 4, c. 56 (Ship Registry), applied, 275
4 and 5 V., c. 21 (Lease and Release), extended, 271
5 and 6 V., c. 39 (Factors), amended and extended, 490
5 and 6 V., c. 45 (Copyright), extended to India, 618
5 and 6 V., c. 47, s. 11 (Foreign Manufactures), extended, 466

ABKAREE LICENSE. *See Abkaree Revenue.*

ADEN.

Act to declare Aden a free port, 755; repealed, *see note, ib.*

ADMINISTRATION CERTIFICATE. *See Certificate of Title to Administration. Letters of Administration.*

ADMINISTRATOR GENERAL.

Bengal.

Act for the appointment of, 686; amended, extended, and repealed, *see note*, 692

Office of, by what Act constituted, *see note*, *ib.*

Madras and Bombay.

Act respecting, extended to Madras and Bombay, 718: repealed, *see note*, 719

ADULTERY. (*Bombay*)

Act for the regulation of the punishment of, 516; repealed, *see note*, 517

AFFIDAVITS. (*See Commission for taking Affidavits*)

Standing Commission may be issued for taking in Supreme Court, Calcutta, 661

AFFIRMATION.

Judicial, substituted for oath, in case of Hindoos and Mahometans, 223; form of, 224; not extended to H. M.'s Courts, 224; but extends to Police Courts, 587

AFFRAYS CONCERNING POSSESSION OF LAND.

Act for preventing, 220; repealed, *see note*, 223

AGENCY. (*See Uncovenanted Agency.*

AGENT. *See Factors. Local Agents.*

AGENTS OF FOREIGN (NATIVE) SOVEREIGNS. (*Bombay.*)

Certain Regulations extended to, 247

AGENT FOR SIRDARS. (*Deccan*)

May refer suits against Sirdars, how, 16 *et seq.*

AGREEMENTS. *English Law.*

Written memorandum, when necessary, 245

Acknowledgment must be in writing, when 245; and how to bar infancy, *ib.*; when by one of several co-debtors, *ib.*

AHMEDNUGGUR. *See Candeish and Ahmednuggur.*

ALLUVION, LANDS GAINED BY. (*Bengal.*) *See Diluvion, lands lost by.*

Act relating to assessment of, 597

Washed away, jumma to be reduced in proportion, 599

New, how to be assessed, 600

Assessment of, to be according to decennial map, 599

AMEENS (*Bengal.*)

Act respecting remuneration of, 98; repealed, *see note*, *ib.*

AMENDS. (*Supreme Court.*)

May be paid into Court, in all personal actions, except as specified, 337

AMERICANS. (*Madras*)

Not to be tried by P. S. Ameens, 76

ANJENGO AND CHANGANCHERRY. (*Madras.*)
Acts relating to, repealed, *see note*, 46, 84
ANNEXATION. *See Nepanee Jagheer.*
APPEALS.
Acts relating to.
17, 1841, repealed, *see note*, 314
29, 1841, repealed, *see note*, 342
3, 1845, repealed, *see note*, 517
8, 1845, repealed, *see note*, 522
16, 1845, repealed, *see note*, 528
4, 1850, repealed, *see note*, 720
8, 1850, repealed, *see note*, 722
30, 1850, repealed, *see note*, 789
2, 1851 (N. W. P.'s) to remove disqualification of judge for sitting on appeal, on ground of having passed the decision appealed from, 828
APPEALS TO H. M. IN COUNCIL. *See Privy Council.*
APPRENTICES
Act concerning the binding of, 766
May be bound till 21, or marriage, 767; Justices to be guardians for binding, 767
Orphans may be bound, *ib.*
May be bound as in sea service, *ib.*
Contract of binding to be in what form, 768; and how executed, *ib.*; may be changed and dissolved, 769; and assigned, *ib.*
Remedy for, in case of ill-treatment, *ib.*
Discharged by bankruptcy of master, 772
ARBITRATIONS. (*Supreme Courts.*)
Not revocable by party without leave of the Court, where reference is made under rule of Supreme Court, &c., 229.
Supreme Court may order attendance of witnesses upon, *ib. et seq.*
Witnesses may be sworn by arbitrator, if ordered to be examined on oath, 230.
ARMS, AMMUNITION, AND MILITARY STORES.
Act relating to the exportation of, 316
Exportation of, without license prohibited, *ib.*; except by permission of Government, *ib.*
ARMY AND NAVY.—INDIAN NAVY. *See Native Army.*
ARMY PENSIONS. (*Bombay.*) *See Pensions.*
Act to exempt from attachment, repealed, *see note*, 563
Act for securing, 684
Not liable to attachment, *ib.*; nor assignable, *ib.*
ARRACAN AND TENASSERIM. *See Assam, Arracan, and Tenasserim.*
ARTICLES FOR GOVERNMENT OF INDIAN NAVY.
Act containing, 465, 673; and see Act XIV., 1853, and Act III., 1855

ARTICLES OF WAR FOR NATIVE ARMY.
Act to amend the 113th Article, 797; repealed, *see note*, *ib.*
ASSAM, ARRACAN, AND TENASSERIM.
Brought under Regulations, 1; afterwards altered as respects Arracan and Venasserim, *see note*, 2.
ASSAM COMPANY.
Act for incorporation of, repealed, *see note* 531
ASSESSMENT OF LAND GAINED BY ALLUVION. *See Alluvion, Land gained by.*
ASSISTANT MAGISTRATES.
Bengal.
Power to appoint, with special powers under Act 4, 1840; repealed, *see note*, 560
Bombay.
Power to appoint Military Officers, 12; repealed, 830.
ASSISTANT REGISTRAR. (*Bombay.*)
Duties of, may be assigned to Registrar, 525.
ASSISTANT SESSIONS JUDGES. (*Bombay.*)
Sentences of, not to be carried out until confirmed, repealed, *see note*, 179
ATTORNIES OF SUPREME COURT. (*Bombay.*)
Act for extending the power of the Supreme Court, in regard to the admission of, 525.
AUMEENS OF POLICE. (*Madras*) *See Police.*
BADGES. *See Chuprass.*
BANK OF BENGAL.
Act relating to, 29, *et seq.*; repealed, 152
Act relating to, 112; repealed, 151, and *see note*, 114
Act relating to, 151, *et seq.*; repealed by Act 4, 1862, *see note*, 164
BANK OF BOMBAY.
Act for the incorporation of, 201; repealed by Act No. 10, 1863, of the Bombay Council, "so far as concerns the Bank of Bombay."
Reconstituted
BANK OF MADRAS.
Act for incorporation of, 404, *et seq.*; repealed by Act No. 5 of 1862 of the Madras Council, from the time that Act comes into operation.
BEGUM SUMROO, TERRITORIES OF.
Act relating to, 28; obsolete, *see note*, 29
BENGAL BONDED WAREHOUSE ASSOCIATION. *See Public Warehousing Act.*
Act for incorporation of, 87; amended by Act 5, 1854.
To be a body corporate for the warehousing of goods in bond or otherwise, 87; may sue and be sued by its corporate name, *ib.*; may acquire and transfer any description of property, *ib.*
Its capital stock to be ten lacs, in 2,000 shares of 500 rupees each, *ib.*
A register of shareholders to be kept at the association, *ib.*; who shall be entitled to certificates of their shares, signed by three Directors, *ib.*
Shares may be transferred by indorsement, *ib. et seq.*; the share indorsement shall specify what, *ib.*

BENGAL BONDED WAREHOUSE ASSOCIATION.—*Continued.*

Transfer of shares to be registered, 88

Shareholders ceasing to be such, to cease to be members of the corporation, *ib.*

Transferrees of shares to be under same liabilities as original shareholders, *ib.*

Business of, to be managed by six Directors, *ib.*

Directors of, to be elected by general meeting, *ib.*; and removeable by general meeting, *ib.*; and two Directors to go out of office annually, and not be re-eligible, *ib.*

Meeting of shareholders to be called to elect to vacancies between the annual general meetings, 89

Qualification of Directors, 88, and see Act 5, 1854

Ordinary general meetings, when to be held, see ditto; and may be adjourned, 89

Extraordinary general meeting to be held according to bye-laws, *ib.*

At general meetings, a majority of votes to be decisive, *ib.*

No shareholder to vote having less than two shares, 99; and as to scale of votes, and how votes of partners shall be given, *ib.*

Votes may be given by proxy, *ib.*

Directors may purchase and erect warehouses, *ib.*

Not more than 50 per cent. of the capital to be called for, except by vote of a general meeting, *ib. et seq.*

Interest to be chargeable on instalments in arrear, 91

Dividends may be applied in satisfaction of instalments, *ib.*

Directors may refuse to register transfer of shares on which instalments are due, *ib.*; and shares may be sold, if instalments are in arrear two months, *ib.*

Provisions of the General Warehousing Act to apply to the warehouses of the Association, *ib.* *See Public Warehousing Act.*

Bonds may be given for payment of duties, 92

Directors may, from time to time, fix rates for warehousing, *ib.*

Warrant to be given by secretary on receipt of goods, *ib. et seq.*

Association to be sued only in the Supreme Court, *ib.*

The property of the Association to be personal estate, *ib.*

Individual Shareholders not to be liable, but only the property of the Association, *ib. et seq.*

May make bye-laws, *ib.*, see Act 5, 1854

Capital Stock of, may be increased, 93

Original proprietors not bound to subscribe to increased stock, *ib.*

Additional Stock to be subject to same rules as original stock, *ib.*

E. I. Company to have the right of pre-emption in case of sale of property purchased of the Company, *ib. et seq.*

May be dissolved by vote of proprietors, 94

On dissolution of, the property to be converted into money, and net proceeds distributed, *ib. et seq.*

Names of shareholders, *ib. et seq.*

BHORE GHAUT TOLLS. (*Bombay.*)
Act respecting, 43; repealed, 97
BHUTTEE TERRITORY. (N. W. P.)
Act relating to, 573; excepted from certain regulations, 573
BILLS OF EXCHANGE.
Act relating to, 224
Acceptance of, what a general and what a special, 225; must be in writing on the bill, *ib.*; supra protest, where to be presented for payment, 265
Drawn payable at specified place, and presented there, may be protested for non-payment without further presentment, 226
Acceptance of, not to be deemed as payment to exonorate factor from consequences of fraud, 242
BINDING APPRENTICES. *See Apprentices.*
BOARD OF CUSTOMS, SALT AND OPIUM. (*Bengal.*)
Act for consolidating it with Sudder Board of Revenue, 826
BOARD OF REVENUE.
Bengal—
Act for consolidating it with Board of Customs, Salt, and Opium, 821
Madras—
Act for appointing a Commissioner of Revenue, 694
Commissioner, when appointed, to have all the powers of Board, *ib.*
BOATS AND CATAMARANS IN MADRAS ROADS.
Act relating to, 348, *et seq.*
Must be registered, 348, and licensed, *ib. et seq.*; and surveyed before grant of license, 350
Marks on, to be cut in, *ib.*
As to the manning of, *ib.*; number of passengers, &c., which may be carried by, *ib. et seq.*; hours of leaving, 352; place of landing cargo, 353; and anchorage, *ib.*
Owners of, to attend for hire, at boat office, *ib. et seq.*; and to keep specified number ready for service, *ib. et seq.*
Fares of, to be what, 354
Breach of specified duty by boatmen, how punishable, *ib.*
As to keeping boat seaworthy, 355; and boats going beyond limits, *ib.*; and right of visit and search by authorities, 356; persons amenable to regulations, 357; punishment and criminal jurisdiction, *ib. et seq.*
Schedule of freights, 358, *et seq.*
BOMBAY (TOWN) AND COLABA.
Act relating to levy of tolls at Bhore Ghaut, 43; repealed, 232
Act relating to fishing vessels and country and harbour craft, 105
Act for regulation of buildings in, 191; repealed, *see note*
Act for regulating the granting of spirit licenses in, 261; repealed, *see note*.
Act for punishment of vagrants in, 251; repealed, *see note*, *ib.*
Act relating to execution of Mofussil process in, 252, and *see note*, 255
Act for regulating sale of ganjah and bhang in, 260; repealed, *see note*, 261

BOMBAY (TOWN) AND COLABA.—*Continued.*
Act for regulating public conveyances in, 262; repealed by Act No. 4, 1863, of Bombay Council
Act for regulating markets in, 312; repealed, *see note, ib.*
Act concerning spirit licenses in, 363
Act for the abatement of nuisances in, 376; repealed, *see note,*
Act for abolishing town duties, &c., in, 489
Act for regulating coroners' juries in, 650
Act to amend the law respecting stamped material, 716
Act relating to special duty on tobacco in, 780; repealed, *see note, ib.*
Act regulating Bombay ferries, 794
Act respecting land called Foras Land, 835
Act for prevention of gambling in, 843; repealed, *see note*, 864
Act for suppression of fraud in respect of cotton, 854
Act for taking land for public purposes in, 764; repealed, *see note*, 765
Act for abolishing import duty on cattle into Salsette.
BONDED WAREHOUSES. *See Bengal Bonded Warehouse Association.*
Act for establishing the Bonding system, 36, 312; repealed by Act 6, 1863 ("The Consolidated Customs Act")
BOUNDARY MARKS.
Bombay—
Act for establishment of, 570
May be required to be set up, *ib.*
May be set up by revenue officers on default of occupiers, *ib. et seq.*
Expense of, how to be paid, 571
Injury to, punishable, *ib.*
N. W. Provinces.
Act for establishment of, in, 584
May be ordered by Collectors to be established, 585
As to mode of issuing order and consequences of disobedience, 586
BRANDING OF CONVICTS.
Act to abolish the practice of, 679
BREACHES OF TRUST.
Act for the punishment of breaches of trust, 759; repealed, *see note*, 763
BRITISH BORN SUBJECTS.
Exemption of from Civil jurisdiction of S. D. A., Zillah and City Judges, P. S. Ameens, S. Ameens,—*Bengal*, abolished, 23; of S. D. A. Provincial Courts, Zillah Judges, Assistant Judges, Registrars, and Native Judges,—*Madras*, abolished, *ib.*; of S. D. A. Zillah Judges, Native Judges, Principal and Junior Native Commissioners, —*Bombay*, abolished, *ib.*; of the Revenue Courts, abolished, 146
Liable to fines under R. 1, 1820 (*Madras*), 565
Exemption of, from Civil and Criminal jurisdiction of the country courts abolished in regard to acts done by themselves in judicial offices, (*Bengal*), 20; (*Bombay and Madras*,) 36
Amenable for offences in Foreign States, 678

BRITISH BOTTOMS.
Discriminative duties in favour of, abolished, 653
BRITISH SHIPS. *See Ships of Native States.*
Privileges of, extended to native ships, wherever built, 756
BUILDINGS.
Calcutta—
Act for the regulation of, repealed, *see note*, 53
Bombay—
Act for the regulation of, repealed, *see note*, 189
BUNGANAPILLY, JAGHEER OF.
Act relating to, 425; repealed, 672
Act for the restoration of, 672
BUTWARRA OR PARTITION. (*Bengal.*)
Act concerning, 31; repealed, as respects the N. W. Ps., *see note*, 32
Not to be quashed by B. of Rev. while in progress, 31; and six months' notice of quashing to be given, *ib.*
Latest Act concerning, *see note*, 32

CACHAR. *See Cossyah Hills and Cachar.*
CALCUTTA. *See Supreme Courts. Justices of the Peace.*
Act relating to powers of Justices of the Peace, 3, 42
Act to prohibit all combustible materials in roofs of buildings, 52; repealed, *see note*, 53
Act relating to trials for petty offences, 180; repealed, *see note*
Act relating to execution of decrees in twenty-four Pergunnahs, in, 188
Act for punishment of vagrants in, 251; repealed, *see note*
Act relating to execution of Mofussil process within, 251; partially superseded, *see note*, 255
Act relating to municipal assessment, 255; repealed, *see note*
Act to exempt residents in from giving security in Mofussil Courts, 313
Opium and intoxicating drugs, Act regulating sale of, 345; repealed, *see note*, *ib.*
Act 21, 1839, relating to petty offences, extended, 345; repealed, *see note*, 346
Residents of, made amenable to Zillah Court of Twenty-four Pergunnahs, 444
Act relating to, Union Bank of Calcutta, 543; obsolete
Act to regulate distresses for small rents in, 590
Act for survey of lands in, 603
Act for constituting Commissioners for, 606; repealed, *see note*, *ib.*
Act to empower Commissioners of, to hold property, 633; repealed, *see note*, 644
Act to confer on Commissioners of, certain powers and privileges, 645; repealed, *see note*, 649
Act relating to Coroner's juries in, 650
For securing the Abkaree revenue of, 697, *see note*, 706

CALCUTTA.—*Continued.*

For confirming title to lands taken for public purposes, 716; repealed, *see note*, 718

For securing the land revenue of, 777

To continue Commissioners for improvement of, 804

Survey of—

Act for, 603

G. of B. to appoint officer for, *ib.*

Power of officer for purposes of, *ib.*

Persons making obstruction to, how punishable, *ib. et seq.*

Officer making, may examine witnesses on oath, *ib.*

CAMP FOLLOWERS.

Act respecting, repealed, *see note*, 340

Act for better defining the liabilities of, 372

CAMP OF COMMANDER-IN-CHIEF.

Superintendent of Police for, may be appointed, and how, and with what powers, 39

CAMP OF GOVERNOR GENERAL.

Superintendent of Police may be appointed for, and how, and his powers, 39

CAMP OF LIEUTENANT-GOVERNOR OF N. W. PS.

Superintendent of Police may be appointed for, and how, and his powers, 39

CANALS FOR IRRIGATION AND NAVIGATION. (*N. W. Provinces.*)

Act for regulating levy of water rent tolls, &c., 520, *et seq.*

To be brought under Act by proclamation, 521

Lt.-G. may prescribe rules and rates for, *ib.*, and contravention of rules, &c., punishable, *ib.*

Rent of, may be recovered as revenue, *ib.*

Doing damage to and obstructing, punishable with fine and imprisonment, *ib.*

Boats, &c., in, may be seized for tolls, 522

CANDEISH AND AHMEDNUGGUR. (*Bombay.*)

Act for exempting from the general regulations, 579

CARNATIC. *See Nabob of the Carnatic.*

CATTLE DUTY AT SALSETTE.

Abolished, 19

CEDED AND CONQUERED PROVINCES.

Act relating to, obsolete, *see note*, 2

CERTIFICATES OF ADMINISTRATION.

To be issued as authority for collection of debts on successions, 324, *et seq.*

Act for amendment and extension of the power of granting, 844; repealed, *see note*, 846

CHIEF SECRETARIES.

Misnomer of, corrected, 1

CHINCHNEE.
A lapsed Jagheer, brought within regulation law, 164
CHINGLEPUT. (*Madras.*)
Act to limit the criminal jurisdiction of the Criminal Judge and Magistrate of, 61; parts repealed, *see notes to sections*, 62
CHUPRASS OR BADGE. (*Bengal.*)
Imitation of Government chuprass, prohibited, under penalty, 16
CHURS. *See Alluvion, Lands gained by.*
COASTING TRADE.
Act for establishing the freedom of, 720
COASTING VESSELS. (*Bombay.*)
Act for regulation of, 105, *et seq.*
To be marked with name and registered, 106, 107
Owners of, entitled to certificate of registry, 107; for what fee, 108; and consequences to them of false registry, 109
COCHIN. (*Madras.*)
Court with criminal powers to be established at, 402
COINAGE.
Acts relating to, 13, 17, 24
To be directed by G. G. in C, 15
Gold Coins.
What they shall be, 14; and weight of, *ib.*; and what their reverse shall be, *ib.*
No gold coin to be a legal tender, 15
Silver Coins.
What they shall be, and weight of, 13; and what their reverse shall be, *ib.*
To be legal tender for what, 13, 14
Copper Coins.
Act relating to, 17, *et seq.*; repealed, *see note*, 18
Copper Coins in Straits' Settlements.
What shall be issued, 589; and what a legal tender, 590.
Devices for, may be ordered by G. G. in C., *ib.*
COLABA, LAPSED STATE OF.
Act for the administration of, 488; repealed, *see note, ib.*
COLLECTOR OF ABKAREE REVENUE. (*Calcutta.*)
His powers, 697, *et seq.*; to appoint officers, *ib.*; and Deputy, *see note*, 706; to grant licenses, 697; and recal them, 699; to levy tax, *ib.*; to issue search warrant, 701; under what limitations, *ib.*
COLLECTORS—SUBORDINATE AND ASSISTANT COLLECTORS. (*Madras.*)
Their criminal jurisdiction extended, 78
COMMANDER-IN-CHIEF. *See Camp of C.-in-C.*
COMMANDING OFFICER OF MILITARY STATIONS.
May administer oaths, 20
COMMISSION FOR EXAMINATION OF WITNESSES.
May be issued by all Courts, 268; upon what application, *ib.*; and as to powers under the Commission, 269

COMMISSIONERS FOR INQUIRY INTO BEHAVIOUR OF PUBLIC SERVANTS.
May be appointed by Governments, 798; and in what manner they shall proceed, *ib. et seq.*

COMMISSION FOR TAKING AFFIDAVITS.
Standing Commission may be issued by Supreme Court, Calcutta, 787

COMMISSION FOR TRIAL OF OFFENCES AGAINST THE STATE.
Government may issue, 265

COMMISSIONS OF THE PEACE. *See Standing Commission.*
Act to amend the Laws regarding, 519
Supplemental may be issued in lieu of new General Commission, 520; on what grounds, *ib. et seq.*

COMMISSION TO REVENUE HOLDERS. (*Bombay.*)
May be issued by Government for collection of their revenue, 373; in prescribed form, 375

COMMISSIONER OF CIRCUIT. (*Bengal and Agra.*)
Local jurisdiction of, may be altered by Government, 4

COMMISSIONERS FOR IMPROVEMENT OF THE TOWN OF CALCUTTA.
Act for constituting them partly by election and partly by appointment 605; repealed, *see note,* 606
Continued for limited time, 804

COMMISSIONER OF REVENUE. (*Madras.*)
Act for appointing, 694
When appointed, to have all the powers of Board of Revenue, *ib.*

CONVICTS FROM HONG KONG.
May be received at Straits' Settlements, 601

CONTEMPT OF COURT OF EQUITY.
Act providing for punishment of certain kinds of, 334
When Court may discharge party from, 385

CONTRABAND SALT.
Regulations for seizure of, 126, *et seq.*; amended, 828
Act for preventing the unlawful manufacture and transportation of salt, *ib.*

CONVICTS.
Act concerning the Management of Convicts under transportation, 248
Act for the punishment of, 529; repealed, *see note,* 530
Labour of, to be vested in Superintendent, 248; who shall be appointed by whom, *ib.*
From Hong Kong, may be sent to Straits' Settlements, 601
Recommended by Supreme Court for free pardon, may be set at liberty by Court on his own recognizances, 46

COPPER COINS. *See Coinage.*

COPYRIGHT.
Act relating to, 617
Duration of, 619, *et seq.*
To be registered, 620; registry of, to be given, *ib.*

COPYRIGHT.—*Continued.*
Assignable how, 621 ; infringement of, how to be prosecuted, 625
In periodical publications to belong to whom, 623 *et seq.*
Pirated editions to be forfeited to owners of, 625
CORONERS.
Act to declare the law as to jurisdiction of, 827
Inquest may be held where body is, though the death happened out of his jurisdiction, *ib.*
Inquisition of, certain defects in, cured, 673
Deputy of, may be appointed, *ib.*
CORONERS' JURIES.
Act for regulating, 650
CORONERS' INQUESTS.
Act 4, 1848, relating to, extended to Straits' Settlements, 673
CORPORAL PUNISHMENT.
Act for legalizing in cases of petty larceny, 447 ; repealed, *see note*, 448
Revised by Act 6, 1864, *see note*, *ib.*
COSSYAH HILLS AND CACHAR.
Brought under regulations, 3
COTTON TRADE. (*Bombay.*)
Act relating to, 569 ; repealed, *see note*, *ib.*
Act for the better suppression of fraudulent practices in, 854
False packing made a misdemeanour, 855
COUNSEL.
Act to enable persons charged with offences in Supreme Courts to make their defence by Counsel, 181 ; and same right extended to all Courts, 803 ; and *see note*
COURT OF REQUESTS. (*Calcutta.*) *See Military Courts of Requests for Native Army.*
Empowered to execute decrees of Judge of Twenty-four Pergunnahs, 188
Small Cause Courts invested with power of, *see note*, *ib.*
Re-constituted under Small Cause Courts' Act, 727, *et seq.*
COURTS, LANGUAGE OF.
Act concerning the language of decisions of, 429 ; extended, *see note*, 430 ; repealed, *see note*, *ib.*
Bengal—
Persian language in, may be dispensed with, 73
COURTS MARTIAL. (*Bombay.*)
Act legalizing certain trials of, obsolete, *see note*, 53
COURTS OF COMMISSIONERS AND REQUESTS. (*Calcutta, Madras, and Bombay.*)
Re-constituted under Small Cause Courts' Act, 727, *et seq.*
COURTS OF SMALL CAUSES. (*See Small Cause Courts.*)
CRIMINAL APPEALS.
Allowed from convictions of Justices of the Peace, under 53 Geo. 3, c. 155, 391 ; repealed, *see note*, 392

CRIMINAL LAW. (*Straits' Settlements.*)
Act relating to, 166; waging war, *ib.*; receiving stolen property, &c., *ib.*
CRIMINAL LUNATICS.
An Act for safe custody of, 681; repealed, but still in force where, *see note*, 682
How to be dealt with after acquitted on ground of insanity, &c., *ib.*
CRIMINAL SENTENCES. (*Bengal and Madras.*)
Act for better defining the Law as to revision of, 667; repealed, *see note*, 668
CURATORS.
Act for appointment of, in case of successions, 316; applied to Madras and Bombay, 368
Reasons for appointing one, 318
May be appointed on death of person leaving property, and the succession disputed, *ib. et seq.*; on application of whom, &c., *ib.*
Before appointment of, judicial enquiry to be made as to specified points, 319
May be appointed *de bene esse*, if there be danger of misappropriation or waste, *ib.*
Judge may modify the authority of, 320
To give security, *ib.*
Not to be appointed for estate paying revenue to Government without first citing the Collector, 321
To be under orders of the Judge, *ib.*
During custody of, allowance may be made out of estate to parties interested, *ib.*
To file accounts in abstract monthly, *ib. et seq.*, which shall be open to inspection, *ib.*
No second to be appointed, while first appointment is in force, 322
Must be applied for, within six months after death, *ib.*
Not to be appointed, to disturb possession of Court of Wards, nor if deceased proprietor has left directions respecting his property, *ib.*
Not to exercise powers belonging to person holding certificate, &c., for collection of debts, 327
CUSTOM HOUSE BONDING WAREHOUSES.
Act relating to, 36; repealed, *see note*, 38
CUSTOMS AND EXCISE. (*Straits' Settlements.*)
Act for better defining the Duties of, 683
Duties to be charged *pro râta* for fractional quantities, *ib.*
CUSTOMS CHOKEES ON LAND FRONTIER.
Bombay—
Act relating to, 80; repealed by Act 1, 1852
Madras—
May be established on frontier of foreign territory, 455
Officers at, may detain and examine goods, *ib.*

CUSTOMS CHOKEES ON LAND FRONTIER.—*Madras.—Continued.*
Goods may pass, under certificate of payment of duty, *ib.*
Duty may be paid at, 456
Certificate more than thirty days old not to be received at, *ib.*
Goods going to, must pass by certain route, *ib.*
CUSTOMS DUTIES, IMPORT AND EXPORT. (*Bengal, Madras, and Bombay.*)
Regulated by Act 17, 1867, all previous Duties being repealed, *see note*, 468
CUSTOMS REGULATIONS AND DUTIES. (*See Customs Chokees on Land Frontier.*)
Bengal—
Acts relating to, repealed, *see notes*, 27, 55
Bombay—
Acts relating to, repealed, *see notes*, 18, 84
Madras—
Acts relating to, repealed, except as excepted, *see notes*, 458, 459
CUTTACK. TRIBUTARY MEHAULS.
Malgoozars of, to continue to act under old settlement, until new one made, 46
Act for settling the boundaries of the Tributary, 75
Mehauls in, 774

DACOITY AND GANG DACOITY.
Acts relating to, 445; repealed, *see note, ib.*; repealed, *see note*, 659
DAMAGES. *See Interest.*
Act for amending the law with reference to, 227
DEBTS, COLLECTION OF, ON SUCCESSIONS.
Act to facilitate the collection of, 324; repealed, *see note*, 327
DECCAN, SIRDARS OF.
Act on the procedure in suits against, 16 *et seq.*
DECLARATIONS. *See Affirmation, Oaths.*
DEEDS.
Acts relating to registration of, 388, 443; repealed, *see notes*
After certain date, to be void as against subsequent registered deeds, notwithstanding notice, 389; provided they are registered, 443; in what language to be registered, 139
Act for establishment of offices for registration of, 139; repealed, *see note*, 140
Act for curing the invalidity of registration, 607; repealed, 608
DEPOSITIONS.
Prisoners entitled to have copies on payment, 182; or to inspect without payment, *ib.*
DEPOSITS ON INCOMPLETE SALES OF LAND.
Act for the forfeiture of to Government, 780; repealed, *see note*, 781
DEPUTY CORONERS.
May be appointed, and by whom, 673

DEPUTY MAGISTRATES.
Bengal and N. W. Provinces—
Uncovenanted, may be appointed, 436; with what powers as judicial officers, 437; and as police officers, *ib.*; and not to be dismissed without the sanction of Local Government, 438
Bombay—
Act for the appointment of uncovenanted, 830; with powers as a judicial officer, and as a police officer, *ib.*; and not to be dismissed without the sanction of Government, 831
DILUVION, LAND LOST BY. *See Alluvion*
As to the revenue assessment of, 597
DISABILITY TO HOLD LAND.
Abolished, 44
DISTILLERIES, EUROPEAN. (*Madras.*)
Act concerning, 564
DISTRAINT FOR RENT.
Bengal—
Act for regulating, 144; repealed, *see note, ib.*; 578, repealed, *see note*, 579
Madras—
Act for regulation of, 162
DISTRESS FOR SMALL RENTS IN CALCUTTA.
Act relating to, 520; when rent does not exceed 100 rupees, 592; extended to 500 rupees, *see note*, 596
Bailiffs to be appointed, how, 594; warrant for, how to be obtained, *ib.*; what may be seized for, *ib.*; how to be made, *ib.*; goods to be appraised and notice of seizure given, 592; warrant, inventory, and notice, form of, 594
DISTRESS WARRANTS UNDER 33 G. 3, c. 52.
Bengal—
May be issued by one justice, 143
Madras—
May be issued by one justice, *see note*, 143
DOUBLE PICE. *See Coinage.*
DOWER.
Act relating to, 192
To what property dower shall extend, 193; out of what land it shall come, *ib.*
To accrue, though husband may have only a right of entry, *ib.*; not to come out of land disposed of by husband, *ib.*
To attach, subject to charge and debts of husband, *ib.*
May be barred by declaration in deed of conveyance, *ib.*
To be subject to conditions in will, declared by will of husband, *ib. et seq.*
Devise by husband of dowable land, may operate in substitution of dower, *ib.*; but not devise of personalty or of land not dowable, *ib.*
Covenant not to bar dower, may be enforced, *ib.*
Provisions of this Act not to affect legacies in satisfaction of dower, 194
Ad ostium ecclesiæ or ex assensu patris abolished, *ib.*

EASTERN CANAL, OR TOLLY'S NULLAH. (*Bengal.*)
Act for establishing tolls on, 33; amended by Act 10, 1853

EMIGRATION OF NATIVES OF INDIA.
Acts relating to, repealed, *see notes*, 45, 75, 168, 386, 444, 498, 596, 602

EUROPEANS AND AMERICANS. (*Madras.*) *See British Born subjects.*
Excepted from Criminal Jurisdiction of P. S. Ameens, 76
Europeans amenable to Company's Courts for breaches of Distillery Act, but not to be put to hard labour, 565

EXECUTION OF DECREES. (*Bombay.*)
Act to amend the law respecting, 840; repealed, *see note, ib.*

EXECUTORS.
May sue and be sued for injury to real estate, 336
May distrain for rent due in lifetime of testator, 337

EVIDENCE. *See Witnesses.*
Act 10, 1835, respecting, 6; repealed, *see note, ib.*

FACTORS AND AGENTS.
Acts relating to, 234, 489
Shippers of goods to be deemed true owners for purpose of giving a lien to consignees, 235; same lien enlarged, 240; what lien consignees shall have as against true owner, *ib*; lien not to arise in favor of persons having notice of rights of third parties, *ib.*
Pledge or deposit by factor to create same lien as the factor has, 241
Owner may receive goods from, or from assignee in case of bankruptcy, on terms, *ib. et seq.*
Consignees to be deemed consignees for sale, unless the contrary be proved, *ib.*
Intrusted with bill of lading, India warrant, &c., to be deemed true owners of goods, &c., 238
As to rights of persons purchasing, &c., or receiving in pledge, &c., bills of lading, India warrants, &c., from persons intrusted with same as factors or agents, and taking goods in deposit or pledge for any debt or demand due by such factors or agents, *et seq.*
As to effect of contracts for purchase of goods from factors and agents, and right (and extent thereof) to take goods, &c., or documents in deposit or pledge from factor or agent, with notice, *ib.*
As to right of owners to recover goods pledged or sold, or the price thereof, from purchaser or assignee, 280
Dealing fraudulently with goods, &c., of principal, to be deemed guilty of misdemeanour, 241
What shall not be deemed a fraudulent dealing with goods by, 242
Acceptances of bills by, not to avail as payment in excuse of fraudulent dealing with goods, &c., of principal, *ib. et seq.*
Evidence on civil proceeding not to be used on indictment against, 282
As to advance to, and exchanges of securities with, *et seq.*

FARMERS OF LAND. (*Bengal.*)
Act for enforcing the attendance of, before Collectors, in Lower Provinces, 668

FEES OR COMMISSION. (*Madras.*)
To Moonsiffs, abolished, 3; to Registrars and Sudder Ameens for judicial duties, abolished, 40
Levy of, by distress of rent for land, may be abolished, 180

FEIGNED ISSUES ON WAGERS. (*Supreme Courts.*)
To be discontinued, 670

FERRIES. (*Bombay.*)
Act for regulating, 794
What shall be deemed public ferries may be declared by Government, 794
What tolls may be levied at, *ib.*
Boats at, to be numbered, &c., 795; and licensed, 796
What tolls to be taken at, 798; and how recovered, 796

FINES.
Act for enlarging the remedy for enforcement of, 144; repealed, *see note*, 145

Bombay—
By Session Judges, may be awarded in compensation, 97; repealed, *see note*, *ib.*

Madras—
Act to enable Session Judges to award, in compensation, 563; repealed *see note*, *ib.*

Pilot Court—
Act for the appropriation of, 827; repealed, *see note*, *ib.*

FORAS LAND. (*Bombay.*)
Act respecting, 833
To be vested in the E. I. Company, 834; for what purposes, *ib.*

FORAS LAND ASSESSMENT FUND.
How to be formed, 835; and how to be applied, *ib. et seq.*
To be under management of Commissioners, 835
Unappropriated balance of, how to be applied, 838

FOREIGN BOTTOMS.
Act respecting duties on imports on, 53; repealed, *see note*, 54
Differential duties on, abolished, 654

FOREIGN MANUFACTURES.
Act for prevention of use of British marks on, 446; *see note*, *ib.*

FOREIGN SHIPS.
The coasting trade opened to, 720

FOREIGN STATES.
Act to provide for punishment of offenders in, 677
Offenders in, how to be proceeded against, *ib. et seq*; liable under Indian Penal Code, *see note*, 679

FOREIGN SUGAR.

Act respecting importation of (*Bengal*), 42; repealed, *see note, ib.*; (*Bombay and Madras*) repealed, *see notes*, 168 and 371

FORGERY.

Supreme Courts—

Act to simplify indictments for, in Supreme Courts, 671; repealed, *see note, ib.*

Bengal—

Act to regulate proceedings for 644; repealed, *see note, ib.*

FRAUDS, STATUTE OF.

Provisions of, respecting goods, extended to goods contracted for, 257

FREEDOM OF RELIGION. *See Religion.*

FREE PARDON. (*Supreme Courts.*)

Convict recommended for, may be set at liberty on his own recognizance, 46

FREE PORTS.

Act to exempt certain, from duties, 354; repealed, *see note, ib.*

Aden to be a free port, 755; repealed, *see note, ib.*

FURRUCKABAD.

Act relating to, 24; *see note, ib.*

FUTWA.

Not to be required in specified case, 41

GAMBLING. (*Bombay.*)

Act for prevention of, 844; repealed, *see note, ib.*

GANJAM, &c., AND VIZAGAPATAM. *See Meriah Sacrifices.*

Act relating to, 35; repealed, 183

An agent for, may be appointed, *see note*, 185

Civil and Criminal Justice and Revenue in, how to be administered, *ib.*

GAOLS.

Superintendence of them transferred from Judges, &c., to Magistrates and Joint Magistrates, 488; repealed, so far as Bengal is concerned, by Act No. 2, 1864, of the Bengal Council.

Act to enable officers in charge of gaols to give effect to sentences passed by Courts out of the jurisdiction to which the gaols belong, 588; repealed *see note*, 589

GAZETTE. *See Government Gazette.*

GOLD COINS—GOLD MOHUR. *See Coinage.*

GOOMSUR AND SOORADA.

Zemindarees of, to be under regulation law, 35; repealed, 183

GOVERNMENT OF BENGAL.

Authorised to direct that uncovenanted persons may be appointed to the offices of Deputy Registrar and Assistant Registrar of the Sudder Courts, 227

Authorised to direct sales for arrears of revenue to be made subject to under tenures, 310, 514

GOVERNMENT OF BENGAL.—*Continued.*

Orders of, respecting gaols to be followed by magistrates, 487

Authorised to direct a new survey, every ten years, to be made of lands on the banks of rivers and on the shores of the sea, 598

Authorised to appoint an officer to survey Calcutta, 603

Authorised to establish Salt Chokees for the prevention of salt smuggling, 709

Authorised to put in force the Act for the Improvement of Towns, 782; and to suspend the operation of the Act, &c., *ib.*

Authorised to issue commissions to inquire into charges against public officers, 799

Authorised to sanction awards under Public Works Act, 810

Authorised to direct the levy of tolls on public roads and bridges, 841

GOVERNMENT OF BENGAL AND GOVERNORS OF BOMBAY AND MADRAS IN COUNCIL.

Authorised to dispense with any oath required to be taken, not being in a judicial proceeding, 60, 61; and upon such dispensation, declaration in writing to same effect as oath to be made, 61

Authorised to issue a Commission for the trial of offences against the State, 264

Authorised to allow the exportation of arms, ammunition, and military stores without license, 316

Authorised to appoint curators, 323

Authorised to provide for the safe custody of criminal lunatics, 682

Authorised to appoint Judges, &c., of Small Cause Courts, 729; and to make provision for custody, &c., of Court funds, 731

GOVERNMENT GAZETTE.

Act making it evidence, 6; repealed, *see note, ib.*

GOVERNMENT GRANTS OF LAND OR MONEY. (*Madras.*)

Regulation 4, 1831 extended to, 41

GOVERNOR GENERAL.

Acts for empowering the G. G. to exercise certain powers during his absence from Council (all expired), 345, 443, 543, 671, 776

GOVERNOR GENERAL IN COUNCIL.

Gold and Silver Coinage placed under direction of, subject to provisions of Act, 15, 111; also the copper coinage, 18, 590

Empowered to create, &c., new Zillahs in Bengal, 32

Authorised to appoint a Superintendent of Governor General's camp, 39; and of Commander-in-Chief's camp, *ib.*

Empowered by order to dispense with the use of the Persian language in any judicial proceeding or proceeding relating to revenue, and to prescribe the language and characters to be used, 73; and to delegate the power, *ib.*

Authorised to rectify errors in schedule of Bank of Bengal, 204

Authorised to appoint persons in whom the property of convicts shall be vested, 248

GOVERNOR GENERAL IN COUNCIL.—*Continued.*

Authorised to extend the Act respecting revenue of Putteedarree estates to any district, 260

Proclamation of, under Ship Registry Act, 289

Authorised to remit salt duty, 458

Empowered to remove Small Cause Court Judges, 729

Authorised by warrant to give directions for safe custody of criminal lunatics, 681

Authorised to prescribe rules for the guidance of the agent for the Bhuttee Territory, 574

Appointment of Administrator General vested in, 687; and authorised to appoint Auditors, 689

GOVERNOR OF BOMBAY IN COUNCIL.

Authorised to appoint receiver of fees, &c., from coasting vessels, 108; and to direct compensation, &c., 109

Authorised to prohibit the levy of hucks, fees, &c., 180

Incorporated with other shareholders in the incorporation of the Bank of Bombay, 204

Authorised to extend specified regulations to the agents of Foreign Sovereigns, 247

Authorised to grant commissions to Jageerdars, &c., with power to collect their revenue, 373

Authorised to fix the number of Deputies and Assistants for the Revenue Commissioner, 387

Empowered to suppress salt works when production is under specified quantity, 790

Empowered to appoint joint Zillah and Sessions Judges, 562

Authorised to declare what ferries shall be public ferries, 794

Authorised to appoint uncovenanted deputy and assistant Magistrates, 830

Authorised to appoint Foras Land Commissioners, 835

Authorised to appoint officers to fix boundary marks, 570

Authorised to exempt from the civil and criminal jurisdictions, the widows, &c., of the late Rajah of Mandvee, 657

Empowered to act in the administration of the property of the Nawab of Surat, 666

GOVERNOR OF MADRAS IN COUNCIL.

Authorised to sanction the augmentation or diminution of number of Sudder Ameens at discretion, 40

Authorised to extend specified regulations to Ganjah and Bhang, 99

Authorised to prescribe rules for the guidance of the Agent in Ganjam and Vizagapatam, 183

Authorised to abolish Provincial Courts of Appeal and Circuit, 397; and to establish Zillah Courts, *ib.*

Authorised to appoint Customs' officers, &c., to prescribe routes for goods passing frontier, &c., 454

GOVERNOR OF MADRAS IN COUNCIL.—*Continued.*
Made part of the incorporation of the Bank of Madras, 407
Authorised to appoint a Commissioner of Revenue at Madras, 694
Authorised to declare what shall be deemed Foreign Territory, and what goods shall be liable to duty, 455
Authorised to fix places for the anchorage of boats, 578
Authorised to appoint any military officer a magistrate, 587
GOVERNOR GENERAL'S CAMP.
Superintendent of Police for, may be appointed, 38
GOVERNOR OF MADRAS.
Certain orders of, while away from his Council, made valid, 1.
GOVERNMENT OF NORTH WEST PROVINCES.
Authorised to direct that uncovenanted persons may be appointed to the offices of Deputy Registrar and Assistant Registrar of the Sudder Courts, 227
Authorised to make arrangements for the collection of duties on the frontier, 433
Authorised to give instructions for the exercise of powers in Kumaon, 97
Empowered to appoint officers for the collection of the water rent, 522
GRANTS. (*Madras.*)
What kinds and in what cases, not liable to sequestration, 112
GULPH OF CAMBAY. *See Light House in Gulph of Cambay.*
HACKNEY CARRIAGES. (*Bombay.*)
Act relating to, 261; repealed by Act 4, 1863, s. 33, of the Bombay Council
HARBOUR CRAFT AND COASTING VESSELS. (*Bombay.*)
Act for regulation of, 105, *et seq.*
HARBOUR BOATS. (*Madras.*) *See Boats and Catamarans in Madras Roads.*
HEREDITARY OFFICERS. (*Bombay*)
Act relating to services of, 426, *et seq.*
What services to be rendered by, 427; and to be under whose control, *ib.*; and how to be selected, when the privilege is joint, *ib.*
Power of Collector over selection of, 427
Liable to be punished for what and how, *ib.*; and dismissed for what, 428
Power of Collector in relation thereto, *ib.*
When liable to forfeiture of office, *ib.*
Not to be a female, *ib.*
Deputy of, when to be appointed, *ib.*; under what liabilities, *ib. et seq.*; and how to be remunerated, 429
Rent and profits of, how disposable, *ib.*
HER MAJESTY'S COURTS OF JUSTICE.
These words, in Act 5, 1840, explained, 587
HIDDEN TREASURE. (*Madras.*)
Powers respecting, vested in P. S. Ameens, 98
HONG KONG. *See Convicts.*

HUCK, FEES AND CUSTOMS. (*Bombay.*)
The levy of them by landholders may be prohibited by G. in C., 180; and prohibition of, not to be questioned in Court of Law, *ib.*; and levy of, after prohibition, made punishable, *ib.*

ILLUSORY APPOINTMENTS.
Act relating to, 332; extended to Straits' Settlements, *see note*, 333

IMPRISONMENT.
If no time of, is prescribed by law, not to exceed six months, 145
Madras—
Under R. 3, 1803, s. 22, not to exceed two months, 19; and person imprisoned under may be liberated by Court, *ib.*

IMPROVEMENT OF THE TOWN OF CALCUTTA. *See Commissioners for Improvement of the Town of Calcutta.*

IMPROVEMENTS IN TOWNS.
Act to enable them to be made, 781; by authority of Government, 782
Procedure for authorizing, *ib. et seq.*
Commissioners for, to be appointed, 784; rates how to be raised, *ib.*
Rules concerning, to be on what matters, 783

INDIAN NAVY.
Acts relating to, 466, and *see notes* 485, 673; and see Act 14, 1853, and Act 33, 1858. On the Indian Navy being merged in the Royal Navy, the Acts relating to discipline became obsolete

INDIAN SUCCESSION ACT. *See Inheritance of Real Property.*

INDIGO CONTRACTS. (*Bengal.*)
Regulations respecting, 12; repealed, 12, 21; and regulations respecting 21 *et seq.*

INFANTS.
Not liable on promise after full age, unless in writing, 246

INHABITANTS OF CALCUTTA.
Decree against in the Twenty-four Pergunnahs may be enforced through Court of Requests, 188; and now by Small Cause Courts, *see note*, *ib.*
Security from, in suits in Mofussil Courts, not necessary, 313
Exemption of, from Courts of the Twenty-four Pergunnahs, abolished, 444; and from Courts of the Ceded and Conquered Provinces, abolished, 445

INHERITANCE.
Not to be forfeited by change of religion, 775, *et seq.*

INHERITANCE OF REAL PROPERTY. (*English Law*)
Act for the amendment of the law of, 194, *et seq.*
Regulated now by Indian Succession Act, *see note*, 199

INLAND CUSTOMS ON IMPORTS AND EXPORTS AND CUSTOMS REGULATIONS. (*N. W. Provinces.*)
Act for regulating, 431; repealed as to salt and cotton, *see notes*, 433
On export of different kinds of sugar, *ib.*
As to penalties for evading duties and regulations, *ib. et seq.*

INLAND CUSTOMS, &c.—*Continued.*
As to powers of officers to search, 434, and arrest suspected persons, *ib.*
Seizure under, to be reported, *ib.*
As to liabilities of officers, for abuse of power, 435
As to powers of magistrate, *ib.*
As to duties of Police, 436
INLAND TRANSIT DUTIES.
Bengal—
Repealed, except on line of Jumna and on frontier, 25
Bombay—
Repealed, 80
Madras—
Repealed, 454
INQUEST. *See Coroners.*
May be held where body is, though death happened out of the Coroner's jurisdiction, 827
INSOLVENT DEBTORS.
Discharge extended to contempts of decrees for payment of money, 334
INSOLVENT ESTATES.
Unclaimed dividends of, after six years, to be paid over to Government, 338
INSTITUTION FEES.
On appeals to H. M. in Council abolished, 166, *et seq.*
INTEREST.
May be allowed on debts from time of demand in writing of payment, or from due date on written obligation, 200
Damages in the nature of, may be given in trover and on policies of insurance, 228, 337
INTERPLEADER.
Act for regulating, 271 ; superseded, *see note, ib.*
JAGEERDARS, SERINJAMDARS, INAMDARS.
May be empowered by Commission to collect their revenue, 373; in what manner, *ib. et seq.*
JAILS. *See Gaols.*
JOINT STOCK COMPANIES.
Act for regulation of registered, 812 ; repealed conditionally, *see note*, 826
Entitled to registration, 813, and how obtained, *ib.*; and to be resolved on, how, 814
Regulations imposed on, if registered, 815
Directors, duties of, may be summarily enforced, 816
Memorial to be filed by, and what it shall contain, how be verified, and where kept, 817, and may be inspected, &c., *ib.*
Transfer of shares in, to be entered in memorial, 818
Not bound to see to execution of any trust, 819
May sue and be sued by registered name, *ib.*

JOINT STOCK COMPANIES.—*Continued.*
Unpaid capital of, recoverable as a debt, 820
Liable to adjudication of insolvency, *ib.*
Insolvency of, not insolvency of individual members, *ib.*; may be declared by directors, 821; what shall be, *ib. et seq.*
In case of insolvency, vesting order to be made, and its effect, 822
To forfeit its privileges, when, 825

JOINT ZILLAH JUDGES AND JOINT SESSIONS JUDGES. (*Bombay.*)
Act to empower Government to appoint, 562

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.
Acts relating to appeals to, 166, 447
On appeals to, no stamp duty or institution fee payable, *ib.*
Appellant to pay expense of copies, 447, and may be required to deposit expense of copies, *ib.*

JUDICIAL LANGUAGE IN WRITING DECISIONS.
Act concerning, 429; repealed, *see note*, 430; extended to Moonsiff's, 764; and by Act 33, 1854, to all judicial officers.
Of Sudder, Zillah, and Subordinate or Assistant Judges, to be English, 430
Of all other Judges, the vernacular language of the Judge, 430, and be translated into the vernacular language of the Court, *ib.*

Bengal—
Act relating to, 73
Persian may be dispensed with, *ib.*

JUDICIAL OFFICERS.
Act for the protection of, 765
Not to be liable for acts done in discharge of judicial duty, if in good faith they believed themselves to have jurisdiction, *ib. et seq.*

JUGGERNATH, TEMPLE OF.
To be exclusively under Hindoo superintendence, 230

JUNIOR NATIVE COMMISSIONERS. (*Bombay.*)
To be in future designated Moonsiffs, 36

JUSTICE, OBSTRUCTIONS TO.
Act relating to, 342
In any Court, may be punished by Court, *ib*,
Before revenue authorities, may be punished by them. *ib.*

JUSTICES OF THE PEACE.
One may exercise all the powers in criminal cases originally vested in two, in Calcutta, 3; throughout the Presidency of Bengal, 143; and same in Madras, 693; and one may issue distress warrant for assessment under 33 G. 3, c. 52, 42, 143, and in Madras, 693
Convictions by, under 55 G. 3, c. 155, to be appealable to the Mofussil Courts, 391; repealed, *see note*, 392
May take oath of office by subscription, 314 *et note*
To be deemed qualified, though oath irregularly taken, *ib.*
Master attendant and Deputy (*Madras*) to be Js. for some purposes, 356

KHOORDA, RAJAH OF.
To have the control of Temple of Juggernath, 231; not to receive any but voluntary donations, *ib.*; to be liable to civil or criminal courts, for breach of trust, &c., *ib.*

KUMAON.
Placed under jurisdiction of Sudder Courts, 97

KURNOOL AND BUNGANAPILLY.
Act relating to, 425; repealed, *see note*, *ib.*

LAND.
May be held by any subject of H. M. in India, 37
Tenure of, same when held by Europeans as when held by Natives, 59
Of Parsees transmissible as chattels real, in case of intestacy, 47
Bengal—
Act for preventing affrays concerning possession of, 220; repealed, *see note*, 223
Complaints of dispossession of, to be brought within a reasonable time, in case of officers and soldiers of native army, 528
Proprietors of, may grant for terms not exceeding their own interest, 386
Bombay—
Suits relating to land tenures to be brought in Courts of Adawlut, 100
Revenue Courts may restore dispossessed party, if application made within six months, *ib.*
Cuttack—
Malgoozars having permanent property to be jointly and severally liable for revenue until new settlement made, 45, expired
Straits' Settlements—
To be deemed of nature of chattels real, for transmission on death, 59
As to titles to, by transmission on death of proprietor before 1st October, 1837, *ib.*
Rent payable on all, unless registered as exempt, 171
Lease of waste and forest, to be for 21 years renewable for 30 years, 172
to contain what particulars, *ib. et seq.*
As to collection of rents, and consequences of non-payment, 174
Forfeiture of, for rent arrear, may be stopped by payment, 176
Mutations of interest to be registered, 177
As to clearing waste and forest lands, 172; and leases for same, *ib. et seq.*
Leases for, to be for 21 years, renewable for 30, *ib. et seq.*

LAND, CLAIMS TO. (*Straits' Settlements.*) *See Land Titles.*
Act to regulate the examination and decision of, 47, *et seq.*

LAND CUSTOMS DUTIES ON FRONTIER. (*Madras.*) *See Transit Duties.*
As to frontier and territory, liable to, 455
Establishment of chokees for levy of, *ib.*
Free pass for goods to cross frontier free of, 457
Payment of, to entitle merchant to certificate, 458; and as to time for which certificate may run, 456

LAND CUSTOMS DUTIES ON FRONTIER (*Madras*).—*Continued.*
As to routes along which goods may pass, *ib.*
Hours at which goods may cross, 457
Duties of chokee officer, *ib.*
Vexatious conduct of chokee officer, *ib.*
LANDED PROPERTY.
Disability to hold, repealed, 44; acquisition, &c., of, to be under ordinary rules of law, 45
Of Parsees, in Calcutta, to be of the nature of chattels real and not of freehold, in cases of intestacy, 47; also in Straits' Settlements, 59
LAND MARKS. (*Bombay.*) *See Boundary Marks.*
Act for establishment and maintenance of, 570
N. W. Provinces—
Act for establishment and maintenance, 584
LAND REVENUE.
Calcutta—
Act for securing the Land Revenue of Calcutta, 776, *et seq.*
What lands are assessable to, 777; and what are exempt from, *ib.*
How recoverable, *ib. et seq.*; may be paid by occupier, 778; and be distrained for, *ib.*
Ground rents are, 779; and are not within jurisdiction of Supreme Court, *ib.*
Cuttack—
Obligation to pay, continued till new Settlement is made, 45; subject to right to relinquish engagements in the mean time, 47
Madras—
Act for securing, 848
How to be assessed, *ib.*
What lands to be exempt from, *ib.*; claims of exemption, how to be established, 850
Lands may be measured for assessment to, 848, *et seq.*
Paid by occupiers, may be deducted, 850
Arrears of, how recoverable, *ib.*
What ground rents are, 851
N. W. Provinces—
Act for determining the duration of the existing Settlement, 575
LAND FOR PUBLIC PURPOSES.
Calcutta—
Act for confirming the title to land taken for, 717; repealed, *see note*, 718
Bombay and Colaba—
Act for taking, 764; repealed, *see note*, 765
LAND FOR PUBLIC WORKS AND RAILWAYS. (*Bengal.*)
Act for giving additional facilities for taking, 808, *et seq.*; extended to Madras, *see note*, 810; repealed, *see note*, *ib.*
LAND OR MONEY, GOVERNMENT GRANTS OF. (*Madras.*)
Regulation 4, 1831, extended to, 41

LAND OWNERS AND FARMERS OF LAND. (*Bengal.*)
Act for enforcing the attendance of, before Collectors, 668 *et seq* ; liable to fine for non-attendance, 669
Not to make lease for longer term than their own, 386
LAND TENURES AND HEREDITARY OFFICES. (*Bombay.*) *See Hucks, &c.*
Suits concerning to be brought in Civil and not Revenue Courts, 100
As to cases the jurisdiction to try which is doubtful, 101
Suits respecting, may be transferred from one Court to another by S. D. A., *ib. et seq.*
As to suits tried before wrong Court, *ib.*
LAND TITLES. (*Straits' Settlements.*)
Act to regulate the examination of, 47, *et seq.*
Commissioner may be appointed to enquire into, 49 ; and as to proceedings by, *ib.* ; and survey and measurement of lands, *ib.* ; and powers of, in regard to land held in excess of registered title, *ib. et seq.*
Commissioner may confirm title by decree, 51
Require attendance of witnesses, &c., with documents, &c., 74, *et seq.*
As to resistance to any Commissioner, *ib.* ; and giving false evidence, *ib.* ; orders of final, *ib* ; but not to be executed till after six weeks, 52, nor until after order of Recorder, if application made to him, *ib.*
LAW OFFICERS, HINDOO AND MAHOMETAN. (*Bengal.*)
Act relating to examination and appointment of, repealed, *see note*, 519
Any person passing examination, may be appointed, *ib.*
Madras—See Vakeels.
LEASE. (*Bengal.*)
By Zemindar for a longer term than Zemindar has, to be void for excess, 386
LEASE AND RELEASE.
Act relating to conveyances by, 368
LEASE FOR A YEAR—
Dispensed with in conveyances, 369
Effect of recital of, in deed of conveyance, 370
LEGAL TENDER.
No gold coin to be a legal tender, 15
Sicca Rupees to cease to be a legal tender, 24 ; silver coins, fractions of rupee, to be legal tender for what, 13, 14
Copper coins to be, only for fraction of rupee, 18
LIBERTY OF THE PRESS. *See Printing Presses.*
LICENSES OF SPIRIT DEALERS. (*Calcutta.*)
Regulated by Act for securing the Abkaree revenue, 697
LIGHT HOUSE IN GULPH OF CAMBAY.
Act relating to, repealed, *see note*, 18
LOCAL AGENTS. (*Bengal.*)
Need no longer belong to the covenanted services, 79

LOCAL NUISANCES.
Act for the better prevention of, 328; partially superseded and repealed, *see note*, 330
LOTTERIES.
Act for the suppression of, 448
Not authorised by Government, to be illegal, 449
Offence against Lottery Act, punishable with fine, 16
LUMBERDAR. *(Bengal.) See Putteedarree Estates.*
What he is, 258
LUNATICS. *See Criminal Lunatics.*
MADRAS COLLECTORATE.
Jurisdiction over offences in, transferred to police magistrate, 61
MADRAS HARBOUR REGULATIONS. *See Boats and Catamarans. Master Attendant.*
An Act to authorise Government to make, 578
MADRAS, TOWN OF.
Act relating to municipal assessments in, 40; repealed, *see note, ib.*
Act relating to sale of ganjah and bhang in, 99
Act relating to port dues, anchorage fees, &c., 168; repealed, *see note, ib.*
Act for punishment of vagrants in, 251; repealed, *see note, ib.*
Act for amending the law respecting municipal rates, 330; repealed, *see note, ib.*
MAGISTRATE.
The term to include joint magistrates and justices of the peace, 145
Bombay—
Military officer may be appointed, 12
Madras—
Military officer may be appointed, 587
MALACCA *See Straits' Settlements.*
MANDVEE.
Act relating to the lapsed State of, 656 *et seq.*
MANUFACTURES. *See Foreign Manufactures.*
MARKETS. *(Bombay and Colaba.)*
Act relating to, 312; repealed, *see note*, 313
MASTER ATTENDANT OF MADRAS HARBOUR.
Powers of, in regard to boats, catamarans, &c., 348 *et seq.*
To license boats and catamarans, *ib.*; and keep a register of boats, *ib. et seq.*; and cause survey to be made of boats, 350; and boats to be cut and branded by, 351; to direct how certain boats shall be manned, *ib. et seq.*
Flags to be used by, as signals to boats
May suspend boat license, *ib. et seq.*
Constituted a Justice of the Peace; and his powers as J. P. may be exercised by any Justice of the peace, 357
MERCHANT SEAMEN.
Act for registry of, 785; repealed, *see note, ib.*
Act for encouragement of, 786; repealed, *see note, ib.*

MERIAH SACRIFICES.
Act for suppression of, 541
Agent for suppression of, may be appointed, *ib*; and by what instructions he is to be governed, 542

MILITARY BAZAARS.
Act for better regulation of, 372 *et seq.*
Traders in, not to sue in Courts of Requests unless registered, 372

MILITARY COMMANDANT *See Commanding Officers.*

MILITARY COURTS OF REQUESTS FOR NATIVE ARMY.
Act relating to, 291 *et seq.*; extended, *see note*, 296; 290,371
As to cases cognizable by, 291, and convening and constitution of, 292
To be held monthly, *ib.*
To have exclusive cognizance in personal actions for sums not exceeding 200 rupees, 291 *et seq.*
Not to decide disputes as to caste, nor right to real property, 292
As to procedure of, *ib.*, and witnesses and evidence, before, 293
Record of proceedings of, to be kept, *ib.*
Demand exceeding 200 rupees to be cut down to that sum, 294
Limitation of six years, for bringing suit in, *ib. et seq.*; but see Act 14, 1859.
As to proceeding *ex parte*, 294, and revision of proceedings of, *ib.*
Claims before, how to be preferred, 295
Decrees of, to be published in station orders, *ib.*
As to kind of execution, *ib*, and carrying out execution. *ib. et seq.*, and special execution, *ib.*
Held out of British territory, 296
Bazaarmen must be registered, to sue in, 372

MILITARY OFFICERS.
Bombay—
May be appointed magistrates, 12
Madras—
May be appointed magistrates, 587

MILITARY STORES. *See Arms, Ammunition, and Military Stores.*

MINTS.
Governor General in Council may establish, regulate, and abolish, 15
Offences against, how punishable, 199; under Indian Penal Code, *see note*, 200

MISNOMERS.
Of Chief Secretaries, corrected, 1
Of certain judicial officers in Madras and Bombay, corrected, 35

MOCHULKAS, (*Bengal.*)
Act to amend law regarding, 653; repealed, *see note*, *ib.*

MOFUSSIL COURTS, PROCESS OF.
How to be executed within jurisdiction of H. M.'s Courts, 251

MOONSIFFS.

When British born, liable for official acts to same civil and criminal jurisdiction as if not British born, 20, 36

No person to be incapable of being, by reason of place of birth or descent, 20, 36

Name of, to be substituted for that of Junior Native Commissioners, 36

Bengal—

Relieved from liability to be fined under specified regulations, 600

MUNICIPAL APPOINTMENTS.

Bombay—

Act respecting, obsolete, 20

Madras—

How to be made, 40; repealed, *see note, ib.*

MURDER. (*Supreme Courts.*)

Statute respecting sentence of death for, repealed, 461; and sentence for may be pronounced how, *ib. et seq.*

MUTINY ACT FOR NATIVE ARMY. *See Articles of War for Native Army.*

NABOB OF THE CARNATIC.

Act relating to, 446

NATIVE ARMY. *See Articles of War for the Native Army.*

For enabling the C.-in-C. to pardon military offences, 721; repealed, *see note, ib.*

Officers and soldiers of, to have a reasonable time for complaining of forcible dispossession of land, 528

NATIVE JUDGES. (*Madras.*)

Persons so designated to be designated P. S. Ameens, 36

NATIVE STATES. *See Ships of Native States.*

NAVY. *See Indian Navy.*

NAWAB OF SURAT.

Act for administering estate of, 665

NEPANEE JAGHEER.

Act for annexation of, 363

NONJOINDER.

Of co-debtor, not pleadable when his liability is barred by statute of limitations, 245

OATHS JUDICIAL, AND OF OFFICE.

Power to administer, given to commanding officers at military stations, 20

OATHS OF OFFICE.

May be dispensed with by Government, 60; signing a declaration to be of same effect, 61

May be taken by justices of the peace by subscription, 314; and *see note, ib.*

OATHS, JUDICIAL, OF HINDOOS AND MAHOMETANS.

Solemn affirmation substituted for, 224; amended where, *see note, ib.*; not to apply to H. M.'s Courts, 224; but to courts of justices of the peace, 587

OBSTRUCTIONS TO JUSTICE.
Act for repressing, in certain cases, 341 *et seq.*

OFFICERS OF SALT CHOKEES. (*Calcutta.*)
Their appointment, duties, powers, and rewards, 709 *et seq.*

OFFICERS OF SUPREME COURT.
Act to forbid trading by them, 662

OFFICIAL TRUSTEE.
Act for the appointment of, 439
Registrar may be appointed, in what cases, *ib. et seq.*
Property, how to vest in, 440
To invest property in Government securities, *ib.*
To be subject to orders of court, *ib.*
Property vested in, may be transferred to other trustees, *ib.*
Executors may pay legacies belonging to infant and lunatic, to, 440

OPIUM FARM. (*Straits' Settlements.*)
Act respecting, 854; repealed, *see note*, *ib.*

ORISSA, HILL TRACTS OF.
May be placed under superintendence of agent for suppression of Meriah Sacrifices, 542 *et seq.*

PARLIAMENT. *See Acts of Parliament.*

PARSEES.
Immoveable property of, in Presidency Towns, to be of the nature of chattels real and not of freehold, for transmission in case of intestacy, 47

PARTITION. *See Butwarra.*

PEDRA BRANCA. *See Horsburgh Light House.*

PENANG, SINGAPORE, AND MALACCA. *See Straits' Settlements.*

PENAL RECOGNIZANCES. *See Mochulkas.*

PENSIONS AND SUPERANNUATION ALLOWANCES.
Act for securing, 684
Exempt from liability to attachment, 684; and not assignable by pensioners, &c., *ib.*

PERIM.
Act relating to light-house on, 18; repealed, *see note*, 18

PERSIAN LANGUAGE.
May be dispensed with, by Order in Council, 73

PICE. *See Coinage, Copper.*

PILGRIM TAXES.
Act relating to, 230
Abolished at certain places, *ib.*

PRINCE OF WALES' ISLAND (OR PENANG), SINGAPORE, AND MALACCA. *See Straits' Settlements.*

PILOT COURT. *See Fines.*

PLEADERS.

Act for amending the law regarding, 566 *et seq.*; repealed, *see note*, 569

Act 1, 1864, and Act 4, 1850, not to have a retrospective operation on agreements of, 789

POISONING.

Act for prévention of, 788; *see note*, *ib.*

POLICE.

Bengal—

Superintendent of, may be appointed, 63; and as to his powers and duties *ib. et seq.*

Straits' Settlements—

Act to provide for appointment of, 587; repealed, *see note*, *ib.*

POLICE MAGISTRATES.

Madras—

Act for assimilating their jurisdiction to that of Justices of the Peace, Calcutta, 693; repealed, *see note*, *ib.*

Act to enable one to exercise the powers of two, 693

Straits' Settlements—

Act for assimilating the penal jurisdiction of, to that of Calcutta Justices, 764; repealed, *see note*, *ib.*

POONAH. (*Bombay.*)

Assistant Judge of, may be appointed what, 16

PORTS AND PORT DUES. (*Madras.*)

Act relating to, 165; repealed, *see note*, *ib.*

POST OFFICE

Act respecting, 56; repealed, 178, and *see note*, 58

PRESS REGULATIONS. *See Printing Presses.*

PRINCIPAL NATIVE COMMISSIONERS. (*Bombay.*)

To be in future designated Sudder Ameens, 36

PRINCIPAL SUDDER AMEENS. (*Madras and Bombay.*)

When British born to have no exemption from Mofussil Criminal Courts as respects official acts, 37

No person to be incapable of being, by reason of place of birth or descent, 37

To have jurisdiction over British born subjects, *ib.*

PRINTING PRESSES.

Act relating to, 7; repealed by Act 25, 1867, in which new provisions are made.

PRIVILEGES OF EXEMPTION. *See British Born Subjects.*

Abolished, as respects jurisdiction of Principal Sudder Ameen, Sudder Ameen, and Moonsiff, 20; and abolished generally, 146; superseded, *see note*, *ib.*

PRIVY COUNCIL.

Appeals to, Acts relating to, 446

No stamp duty on appeals to, *ib.*

Appellant to pay expenses of copies on appeals to, 447

PRISONERS' COUNSEL.
Act to allow Counsel to appear for all persons on the trial of offences in the Supreme Courts, 181; in all Courts, 803; repealed, *see note*, 804
PRISONERS. *See Prisoners' Counsel.*
Act for regulating the removal of, 721; repealed, *see note*, 722
Bombay—
Not to be forced to labor, or be confined solitarily, otherwise than according to sentence, 232.
PROBATE OF WILL. *See Certificate of Administration.*
Regulations respecting, in case of Mahomedan and Hindoos' wills, 326 *et seq.*
PROPRIETOR OF LAND. (*Bengal.*)
Compellable to attend before Collector with accounts,
Finable for non-attendance before Collector with accounts,
PROVISIONAL COURTS OF APPEAL AND CIRCUIT. (*Madras.*)
Act for abolishing and establishing new Zillah Courts, 397 *et seq.*
G. in C. authorised to abolish, *ib.*; and establish new Zillah Courts, *ib. et seq.*
PUBLIC ACCOUNTANTS.
Act for avoiding loss by the default of, 757
Who are, *ib.*; to give security, *ib.*; and securities for, how to be enforced *ib. et seq.*
PUBLIC CONVEYANCES AND BOATS, REGULATIONS CONCERNING. (*Bombay.*)
Act containing, 261 *et seq.*
PUBLIC FERRIES. *See Ferries* (*Bombay*).
PUBLIC SERVANTS.
Act respecting official misconduct of, 186; repealed, *see note*, 187
Act for regulating inquiries into the behaviour of public servants, 798; and as to what classes are within the Act, *ib.*
Charges against, how to be made, *ib.*; and inquiry how to be conducted, 789; may be abandoned, *ib.*; copy of to be given to accused, 800; what may be pleaded, 801; and what shall be subsequent proceedings, *ib. et seq.*
PUBLIC WORKS AND RAILWAYS. (*Bengal.*)
Act for giving additional facilities for, 808
Persons employed in, may enter lands, &c., *ib.*; land required for may be taken possession of, 809
PUNCHAYET. (*Madras.*)
Award of the majority to be legal, and how signified, 227
PUTNEE TENURES IN BENGAL.
Act for amending forms of sales of, 791
PUTTEEDAREE ESTATES. (*Bengal.*)
Act relating to, 257
What they are, 258
What modes of duress may be enforced against Putteedars, *ib. et seq.*

PUTTEEDAREE ESTATES. (*Bengal*).—*Continued.*

In case of sale of, Putteedars may take the puttee at highest bidding, 259

Powers relating to, by whom to be exercised, *ib.*

Right of Putteedars during temporary leases, *ib. et seq.*

Sale of part of, not to affect the liability of all the proprietors, 260

PUTTEEDAREE REVENUE.

Act relating to, 257

May be extended by G. G. in Council, 260

What modes of duress may be enforced against Putteedars, 258

Powers relating to, how to be exercised, 259

Sale of Puttee, how to be carried out, *ib.*

Arrears of, how proved, 260

Possession of Puttee, to be given by Collector to purchasers, *ib.*

RAILWAYS IN INDIA. *See Public Works and Railways.*

Declared to be public works, when made under sanction of Government, 808

REGISTERS OF DEEDS. (*Bengal.*)

Act for the custody of, 846; repealed, *see note*, 847

REGISTRAR OF SUDDER COURTS.

Bengal—

Duty of preparing appealed causes and issuing process may be assigned to, 314

Bombay—

Duties of, may be assigned to uncovenanted assistant, 525

Madras—

Fees and commission of, for judicial service, abolished, 40

Exemption from jurisdiction of, by reason of place of birth or descent, abolished, 23

REGISTRATION OF DEEDS. (*Bengal.*)

Acts relating to, 389; repealed, *see note*, *ib.*; repealed, *see note*, 443

Act relating to offices for, 138; repealed, *see note*, 140

What fees payable for, 138

Deeds registered to avail against prior deed unregistered, notwithstanding notice, 389; repealed, *see note*, *ib.*

May be made in any office, though property out of district, but copy to be sent to district, 518

Not to be invalid, by informality in appointment of Registrar, *ib.*

Act for curing the invalidity of, 607; repealed, *see note*, 608

REGISTRY OF MUTATIONS. (*Straits' Settlements.*)

To be kept, 177; but not of itself to convey a title, 178

REGULATIONS—*repealed, extended and modified.*

Relating to printing and publishing, repealed by Act 11, 1835

Relating to taking examination of absent witnesses, repealed by Act 7, 1841

BENGAL SECRETARIAT LIBRARY

REGULATIONS.—*Continued.*

Bengal—

Relating to Transmit and Inland Customs Duties, repealed by Act 14, 1836

1793, Regulation 1, ss. 10, 11 repealed, Act 41, 1846
" " 3, s. 17 part repealed, Act 22, 1843
" " 4, s. 3 part repealed, Act 14, 1847
" " 5, s. 10 part repealed by Act 26, 1839
" " 6, s. 8 repealed by ditto
" " " s. 10 modified by Act 4, 1850
" " 13, s. 9, c. 10, 14, &c., part repealed, Act 26, 1839
" " 14, s. 2 repealed, Act 12, 1841
" " 16, ss. 2, 14 modified by Act 30, 1836
" " 27, s. 4 repealed, Act 14, 1836
" " 36, s. 15 modified by Act 30, 1838
" " 45, partially repealed, Act 4, 1840
" " 49, repealed by Act 4, 1840
1794, " 3, s. 2 repealed, Act 12, 1841
1795, " 14, repealed by Act 4, 1840
" " 20, repealed, Act 4, 1846
" " 27, s. 7 repealed Act 4, 1846
1796, " 12, repealed, Act 4, 1846
1797, " 4, s. 11 repealed by Act 2, 1849
" " 12, s. 3 modified by Act 4, 1850
" " 16, s. 5 altered, Act 2, 1844
" " 19, s. 5 repealed by Act 7, 1842
1799, " 7, s. 9 modified, Act 10, 1846
" " " s. 15 repealed by Act 8, 1835
1800, " 5, s. 9 repealed, Act 10, 1846
1802, " 2, s. 26 repealed by Act 11, 1849
1803, — 2, s. 12 partially repealed, Act 23, 1843
" " 3, s. 3 part repealed, Act 14, 1847
" " 4, s. 10 part repealed by Act 26, 1839
" " s. 33 repealed, Act 7, 1841
" 5, s. 8 repealed by Act 26, 1839
" " " s. 34 altered, Act 2, 1844
" " 7, s. 35 repealed by Act 2, 1849
" " 17, modified by Act 30, 1838
" " 25, ss. 37, 38 repealed, Act 4, 1846
" " 26, ss. 15 to 26 partly repealed, Act 4, 1846
" " 28, s. 17, c. 2 repealed, Act 10, 1846
" " 32, repealed by Act 4, 1840
" " 8, s. 17 modified, by Act 30, 1838
1805, " 9, ss. 27, 28 part repealed, Act 4, 1846
" " 12, s. 31 repealed by Act 10, 1840, s. 32 modified by Act 30, 1838

REGULATIONS.—*Bengal.—Continued.*

1806, Regulation 2, ss. 4, 5 extended, Act 6, 1843
" " 4, repealed by Act 10, 1840
" " 5, repealed, ditto
" " 8, s. 4, and to the end of the R. repealed by Act 26, 1839.
" " 10, except part of s. 10 repealed, ditto
" " 11, s. 9, c. 8 repealed by Act 18, 1838
" " 18, parts of repealed by Act 22, 1836
1807, " 2, s. 3, c. 1 partially repealed by Act 2, 1849
1808, " 6, s. 9 repealed by Act 10, 1840
" " 9, ss. 2 & 3 repealed, Act 16, 1843, and since totally repealed, Act 4, 1844
" " 10, extended, Act 24, 1837
1809, " 4, repealed by Act 10, 1840
" " 5, repealed by Act 1, 1849
1810, " 4, s. 4 repealed by Act 10, 1840
" " 7, repealed by Act 22, 1836
" " 9, parts of, repealed, Act 14, 1836, and s. 51 modified, Act 16, 1837, and the whole repealed, Act 14, 1843
" " 10, parts of, repealed, Act 14, 1836
" " 11, repealed by Act 10, 1840
1810, " 13, amended by Act 2, 1851
" 16, ss. 16, 17 repealed Act 16, 1843
" " 18, repealed, Act 10, 1848
" " 19, s. 9 modified by Act 38, 1837
1812, " 3, s. 2, c. 1 modified, Act 7, 1846
" " 5, ss. 9, 10, 11, 13, repealed by Act 10, 1859
" " 14, ss. 2, 3 modified, Act 16, 1842, and 8, 1848
" " 20, ss. 4, 6, cls. 2, 3 modified, Act 30, 1838
1813, " 6, s. 5 repealed by Act 4, 1840
" " 8, repealed by Act 1, 1849
" " 10, s. 22, c. 6 repealed by Act 25, 1840
" " 17, repealed by Act 26, 1839
1814, " 12, repealed by Act 6, 1849
" " 19, s. 15 repealed by Act 11, 1838
" " 22, parts of, repealed, Act 6, 1843
" " 23, s. 9, c. 3 and s. 67 repealed partially by Act 12, 1847
" " " s. 13, c. 2 repealed, Act 6, 1843
" " " s. 15 repealed by Act 1, 1846
" " " s. 27, c. 2 repealed by Act 29, 1841
" " " s. 31, cls. 1 2, and s. 32, c. 1 repealed Act 17, 1845
" " " s. 42, and the proviso, Act 30, 1841

REGULATIONS.—*Bengal.—Continued.*

1814, Regulation 26, s. 2, c. 7; s. 3, c. 11; s. 8, c. 4 repealed, Act 1, 1846
" " " ss. 10, 12 extended by Act 15, 1850
" " 27, s. 3, c. 3; s. 7; s. 15, c. 1; ss. 23, 24, 28, 29, 32, 33, 34, 35, and s. 39, c. 1, repealed, Act, 1, 1846
" " " s. 25, repealed by Act 1, 1846, and s. 27 repealed partially by same Act.
" " " s. 31 c. 1 & 2, and 32, cls. 1, repealed, Act 17, 1845
" " " s. 67, in part, repealed, Act 12, 1847.
" " " s. 20 part repealed, ditt
" " 28, s. 10, c. 2 repealed, ditto
1816, " 15, extended by Act 15, 1845
" " 22, extended by Act 15, 1837
1817, " 8, repealed by Act 26, 1839
" " 10, repealed by Act 10, 1838
" " 15, repealed by Act 16, 1837
" " 17, s. 12, cls. 2, 3, 4 repealed by Act 2, 1849, and ss. 9, 10 partially repealed, ditto
" " 19, s. 9 repealed Act 1, 1846
" " 20, s. 30, c. 4 rescinded by Act 18, 1835
" " 25, s. 5 repealed by Act 13, 1836
1818, " 3, extended by Act 34, 1850
1819, " 4, s. 7 repealed by Act 15, 1841, and wholly repealed by Act 44, 1850
" " " repealed by Act 44, 1850
" " 8, s. 8, cl. 2 modified by Act 33, 1850
" " " s. 9 partially repealed by Act 25, 1850
" " 9, s. 7 repealed by Act 15, 1841
" " 10, ss. 32, 33 modified by Act 29, 1838
" " " s. 36 modified, ditto
" " " ss. 36 to 47 inclusive, extended by Act 12, 1849
" " " ss. 59, 60, 61 repealed by Act 29, 1838
" " " ss. 64, 109, 112, 114, 121, 122 modified, ditto
1821, " 1, superseded by Act 3, 1835
1822, " 1, s. 6 repealed by Act 1, 1849
" " 7, s. 23, c. 3 parts of rescinded by Act 8, 1835; s. 31, c. 2 repealed partially by Act 25, 1837
" " 9, repealed by Act 1, 1849
" " 11, s. 3, c. 2 partially repealed by Act 20, 1836; the residue, except ss. 36 and 38, repealed, Act 12, 1841
1823, " 1, s. 10, c. 3 superseded by Act 3, 1835
" " 6, s. 3 c. 9 modified, and s. 5, c. 3 repealed by Act 10, 1836
1824, " 1, extended to railways by Act 1, 1850

REGULATIONS.—*Bengal.—Continued.*

1824, Regulation 4, s. 2 modified by Act 30, 1838
" " 15, repealed by Act 4, 1840
1825, " 4, s. 4 repealed by Act 5, 1848
" " 7, s. 4, cls. 2, 3 repealed by Act 4, 1846
" " 8, ss. 5, 6, repealed by Act 26, 1839
" " 12, ss. 5, 6, c. 2, 3, repealed by Act 30, 1841
" " 15, parts of, repealed, Act 14, 1836
1826, " 10, s. 2 repealed, Act 16, 1848
" " 11, s. 5 repealed by Act 5, 1845
" " " s. 6 repealed, Act 1, 1846
1827, " 2, s. 52, partially repealed by Act 1, 1846
1829, " 1, superseded by Act 3, 1835
" " 2, repealed by Act 4, 1840
" " 8, repealed by Act 1, 1849
" " 10, s. 7 part of repealed by Act 28, 1837
" " 16, repealed, Act 14, 1843
1830, " 5, ss. 2, 3, part repealed by Act 16, 1835
" " 7, repealed by Act 12, 1861
" " 11, repealed by Act 17, 1837
1831, " 2, s. 52 partially repealed by Act 1, 1846
" " 5, s. 5, c. 4 repealed, Act 6, 1843; s. 7 modified by Act 25, 1837
" " " s. 18 modified by Act 6, 1843; s. 18, c. 1 partially repealed by Act 25, 1837, and Act 27, 1838
" " 8, s. 19 repealed, Act 25, 1837
" " 9, s. 4 repealed by Act 19, 1848
" " " s. 7 repealed by Act 1, 1847
" " 10, s. 3 suspended in certain cases, by Act 24, 183
" " " s. 5 in part repealed, Act 19, 1848
" " " s. 22 modified Act 6, 1843
" " " s. 25, c. 1 repealed by Act 25, 1837
" " " c. 2 extended by Act 25, 1837
" " " s. 30 repealed, Act 1, 1846
" " 11, s 18, c. 1 partially repealed by Act 25, 1837, and Act 27, 1838
1832, " 5, s. 25, c. 1 repealed, Act 25, 1837
" " 7, s. 2, c. 2 repealed Act 25, 1837
" " " s. 5, c. 4 repealed, Act 14, 1845
" " " ss. 8, 9 extended by Act 21, 1850
" " " s. 11 repealed, Act 1, 1846
1833, " 11, repealed partially by Act 40, 1850
" " 12, repealed by Act 13, 1838, and Act 1, 1846
1834, " 2, s. 2, c. 1 modified, Act 3, 1844

REGULATIONS.—*Continued*

Bombay—

All regulations of, prior to 1827, except R. 6, 1799, ss. 1, 2, 3; R. 9, 1800, s. 7, c. 2; R. 1, 1805, ss. 14, 17, 20, 21, 25; R. 1, 1805; R. 2, 1810; R. 6, 1814; repealed by Act 1, 1838

All regulations which imposed transit or inland customs duties, ditto

1812, Regulation, first 12 rules of, and 18 and 25th and to end, repealed by Act 28, 1839

1815, „ 3, Arts. 1, 2, 5, 7 repealed ditto

1820, „ 1, „ 1 and 2 repealed by Act 11, 1837

1827, „ 2, s. 21 modified, Act 10, 1848

„ „ Art. 1 (tit.) 14, and Art. 3 (tit.) 15, repealed, Act 3, 1841

„ „ Art. 2, s. 36, amended, Act 12, 1849

„ „ „ s. 52, partially repealed by Act 1, 1846

„ „ „ s. 47, c. 2, ss. 48, & 55 repealed, Act 1, 1846

„ „ „ s. 4, c. 32 extended, 18

„ „ 4, s. 61, c. 2 repealed by Act 7, 1851

„ „ „ s. 75 and chap. 17 amended, Act 8, 1845

„ „ „ s. 100, c. 6 altered, Act 2, 1844

„ „ 11, s. 4 repealed, by Act 1, 1849

„ „ 12, s. 8, c. 2 repealed by Act 25, 1839

„ „ „ s. 35, c. 1 repealed by Act 15, 1838

„ „ 13, s. 13, c. 5 modified by Act 13, 1839

„ „ „ s. 26 partially repealed by Act 37, 1836

„ „ „ s. 45, c. 2 modified by Act 11, 1840

„ „ 14, c. 2, partially repealed by Act 2, 1849

„ „ 15, extended by Act 15, 1840

„ „ 16, s. 6 modified, Act 10, 1848

„ „ „ s. 11, c. 4, and s. 27, c. 3 part repealed by Act 25, 1839

„ „ „ ss. 17 & 18 rescinded, Act 11, 1843

„ „ 17, s. 16, c. 4 modified by Act 25, 1839

„ „ „ c. 7 modified, Act 16 1838

„ „ „ chap. 8, modified, ditto

„ „ 18, s. 6, c. 1 repealed by Act 18, 1849

„ „ 19, ss. 16, 27, 28, and chap. 3 repealed, Act 11, 1845

„ „ „ and 32 annulled, *ubi see Note*, Act 7, 1836

„ „ 20, chapters 1, 2, 4, 6, 8, 9, with Ap. A., B., C., E., H., I., J., K., repealed by Act 1, 1838; and ss. 20, 21 repealed by Act 19, 1838

„ „ 24, c. 2 partially repealed by Act 2, 1849

„ Also Art. 2 of Rule 5 of 11th April repealed by Act 9, 1851

REGULATIONS.—*Bombay.—Continued.*

1827, Regulation 29 repealed as to Sattara Jaghire, &c., Act 6, 1842
" " " s. 7, c. 1 part repealed, Act 6, 1844
" " " repealed as respects Ahmednuggur, Act 11, 1846
" Article 2, s. 36 amended by Act 12, 1849
" " 4, s. 1. cl. 2 repealed by Act 7, 1851
" " 11, s. 4 repealed by Act 1, 1849
" " 18, s. 6, cl. 1 repealed by Act 15, 1849
" " 29, s. 7, cl. 3, repealed by Act 7, 1851
" " 33, repealed by Act 24, 1850
1828, Regulation 15, repealed by Act 24, 1860
1830, " 4, s. 1, c. 1 repealed partly, Act 5, 1846
" " 5, partially repealed, Act 27, 1842
" " 7, repealed as to Sattara Jaghire, Act 6, 1842
" " 9, repealed by Act 18, 1836 and Act 2, 1837
" " 11, repealed by Act 17, 1837
" " 13, extended by Act 15, 1840
1831, " 2, repealed by Act 1, 1838
" " 4, repealed by Act 25, 1839
" " 5, s. 18, c. 4, and s. 22 modified, Act 6, 1843
" " 11, repealed by Act 2, 1837
" " 13, repealed, Act 1, 1838
1832, " 1, repealed, ditto
1833, " 4, repealed, ditto
1834, " 3, repealed by Act 2, 1836
" " 4, rescinded Act 1, 1838
1837, " 11, repealed by Act 17, 1833

Madras—

All regulations relating to Transit and Inland Customs Duties, repealed, Act 6, 1844

All provisions of regulations requiring translations of decrees, &c., to be attached to decrees, repealed by Act 35, 1837

All Police Marine regulations repealed by Act 4, 1842

1802, Regulation 5, ss. 13, 14 modified, Act 7, 1843
" " " s. 18 rescinded by Act 15, 1835
" " 7, s. 35 repealed by Act 2, 1849
" " 28, s. 23 repealed by Act 7, 1839
1803, " 9, except ss. 55 to 70, both inclusive, repealed Act 6, 1844
" " 10, to transit duties, repealed, Act 6, 1844
" " 11, repealed, ditto
" " 15, s. 8, c. 5, applied, Act 22, 1837
1808, " 14, repealed, Act 6, 1844
" " 15, except s. 5, repealed, ditto

REGULATIONS.—*Madras.—Continued.*

1809, Regulation 2, repealed, Act 13, 1843
1810, „ 2, repealed, ditto
1811, „ 6, s. 3 repealed partially by Act 2, 1849
1812, 1, repealed, Act 6, 1844
„ „ 2, except ss. 15, 17, ditto
„ „ 3, repealed, Act 6, 1844
„ „ 4, repealed, ditto
„ „ 6, repealed, Act 6, 1844
1813, „ 1, part repealed, ditto
1816, „ 2, repealed, ditto
„ „ 6, s. 14, c. 2, 3, repealed Act 1, 1846
„ „ „ s. 16, and s. 57, c. 2, repealed, Act 17, 1848
„ „ „ s. 26, c. 2, repealed by Act 29, 1841
„ „ 8, s. 3, repealed, Act 7, 1843; and s. 14, modified, ditto
„ „ 9, s. 7, extended, ditto
„ „ 10, s. 9, cls. 1, 3, modified, Act 7, 1843
„ „ 11, s. 40, applied, by Act 30, 1837
„ „ 14, s. 15, c. 1, and ss. 23, 24, 28, 29, 32, 33, 34, 35 repealed, and ss. 20 and 25 part repealed, Act 1, 1846
„ „ „ s. 25, repealed, Act 1, 1846
„ „ 15, s. 5, cls. 5, 6, extended, by Act 17, 1838
„ „ „ s. 4, c. 7; s. 5, c. 11, and s. 8, c. 4, repealed, Act 1, 1846
1817, „ 5, repealed by Act 27, 1836
1818, „ 2, repealed, Act 6, 1844.
„ „ 3, repealed, ditto
„ „ 6, repealed, Act 13, 1843
„ „ 8, s. 5 repealed by Act 2, 1844
1819, „ 4, repealed, Act 6, 1844
„ „ 7, repealed, ditto
1820, „ 1, modified, Act 32, 1845
„ „ 3, extended, Act 14, 1838
1821, „ 3, repealed, Act 6, 1844
„ „ 4, s. 4, cls. 2, 3, applied by Act 33, 1837
1822, „ 2, ss. 5, 6, repealed by Act 2, 1849
„ „ 8, repealed, Act 13, 1843
„ „ 9, extended by Act 36, 1837
1827, „ 1, s. 6, c. 3, repealed, Act 1, 1846
„ „ 7, s. 6, c. 3, repealed, ditto
„ „ „ s. 7, repealed, Act 7, 1843
„ „ „ s. 9 modified, ditto

REGULATIONS —*Madras.—Continued.*

1827, Regulation 7, s. 5, repealed by Act 34, 183
" " 8, s. 6, repealed by Act 34, 1837
1828, " 6, s. 5, repealed by Act 1, 1856
1829, " 2, repealed by Act 1, 1849
" " 4, rescinded by Act 12, 1835
" " 8, s. 3, extended by Act 23, 1837
1830, " 1, s. 4, cls. 2, 3 repealed, Act 32, 1845
" " 4, rescinded by Act 12, 1835
1831, " 4, extended by Act 31, 1836
" " " s. 3, partially repealed, Act 23, 1838
" " 5, modified, Act 17, 1840
" " 9, extended by Act 14, 1838
1832, " 11, s. 4, repealed, Act 1, 1846
" " 12, repealed by Act 1, 1849
" " 13, s. 2, repealed, Act 7, 1843
" " " s. 3, modified, ditto
1833, " 3, s. 2, repealed, Act 17, 1862
" " " s. 6, modified, Act 7, 1843
1834, " 2, ss. 4, 5, repealed, Act 17, 1848

N. W. Provinces—

1819, Regulation 10, ss. 49, 50, 85, 93, and part of 48 repealed, Act 16, 1848
1826, " 10, s. 2, repealed, ditto

Straits' Settlements—

1827, Regulation 1, repealed by Act 12, 1839
1830, " 1, repealed by Act 10, 1827
" " 9, repealed by Act 10, 1837
1830, " 2, 4, 5, repealed by Act 14, 1851
" " 7, repealed by Act 40, 1850
1831, " 1, repealed, ditto
" " 4, repealed by Act 14, 1851
1833, " 10, repealed, ditto

RELEASE.

Act relating to conveyance by lease and, 369
Effectual without lease, *ib.*

RELIGION.

Change of, by Hindoos and Mahometans not to involve forfeiture of rights of property, 775

REMOVAL OF PRISONERS.

Act for better defining the law as to, 721; repealed, *see note*, 722

RENT. (*Presidency, Towns.*)

Executors may distrain for rent due in life-time of testator, 337
Under 500 Rs, distress for to be by Small Cause Courts, 748

REPRESENTATION OF CHARACTER.

No person to be charged by reason thereof, unless made in writing, 246

REQUESTS. *See Courts of Requests. Military Courts of Requests.*

REVENUE. (*Madras.*)
Reg. 4, 1831, extended to all grants of, 51

REVENUE COMMISSIONERS. (*Bombay.*)
Restriction of number of, repealed, 387
To have deputies and assistants, 388
As to their powers, touching the collection of the revenue, *ib.*

REVENUE COURTS.
Exemption from jurisdiction of, by reason of place of birth, &c., abolished, 145

REVENUE, GRANTEES OF. (*Bombay.*)
Act relating to, 372
May be authorised, by Commission, to collect revenue, 373; and may require security for payment of, *ib.*
Form of Commission to, 375
Authority of, under Commission, *ib.*
May attach property, *ib.*

REVENUE, HEREDITARY OFFICERS OF. (*Bombay.*) *See Hereditary Officers.*

REVENUE OFFICERS. (*Bombay.*)
May re required to find sureties, 103
Sureties for, extent of liability, 104

REVENUE SALES OF ZEMINDARIES. (*Bengal.*)
Acts relating to, 297 and 502; repealed, *see note*, 312 and 516

REVENUE SETTLEMENT.
N. W. Provinces—
Act for determining the duration of, 575
As to duration of, in specified districts, *ib.*
where it shall be permanent, 577
surrender of leases under, *ib.*
Cuttack—
Existing settlement binding until new one mode, 46, obsolete

RUM AND RUM SHRUB.
Bengal—
Act for prohibiting the importation of, 266, repealed, *see note*
Madras—
Act for prohibiting the importation of, 331; repealed, *see note*, 332

RUPEE, HALF-RUPEE, AND DOUBLE RUPEE. *See Coinage.*
A legal tender, 14; to be received as equivalent to 15-16ths of sicca rupee, *ib.*; unless specially stipulated to be of different value, *ib.*; and in case of payment to public creditors, *ib.*; sicca rupee to cease to be a legal tender, 24; may be received for revenue at public treasury, *ib.*; and exchanged at General Treasury, Calcutta, 25

RYOTS. (*Bengal.*)
Act to modify regulation respecting, 654; repealed, *see note*, *ib.*

SALT. (*Calcutta.*)
Quantity of, except by sea, which may be imported or kept, and stored, limited, 709, *et seq.*
What shall be deemed contraband, 709; and contraband, how to be dealt with, 710
Bombay—
No salt works to be opened without notice to the collector, 70; and may be destroyed if opened without notice, 71
As to powers of officer stationed at salt works, *ib.*
Chokees may be established near salt works, *ib.*
salt removed from, contrary to regulation may be confiscated, *ib.*
Madras—
Offences against salt laws, punishable by magistrate, 249, *et see note*, 250
N. W. Provinces—
Act to remove certain restrictions on the salt trade, 663; no duty leviable upon imports of into N. W. Provinces from other parts of Bengal, 664
SALT ACTS.
For vesting control of Salt Chokees in a Superintendent with specified powers, Bengal, 5
Relating to salt duties, Bombay, 69; repealed as respects salt duty, *ib.*
Concerning manufacture of salt, N. W. Provinces, 84
For preventing the unlawful manufacture and transportation of salt, Bengal 126
For amending R. 5, 1831, as regards penalties for breach of salt laws, Madras, 249
For regulating the levy of customs duties [on salt, &c.] and the manufacture of salt in the N. W. Provinces, 432
For determining the price at which salt shall be sold for home consumption, Madras, 454
For increasing the duties on salt, Bombay, 486
To remove certain restrictions on the salt trade, N. W. Provinces, 663
To prevent the smuggling of salt into Calcutta, 709
For protecting the salt revenue in Bombay, 789
For preventing the unlawful manufacture and transportation of salt, Bengal, 828
SALT AGENTS. (*Bengal.*)
Empowered to seize contraband salt, 129; and mode of proceeding therein, *ib. et seq.*
SALT CHOKEES. (*Bengal*) *See Contraband Salt.*
Superintendence of, may be vested in uncovenanted officers, 5; directions as to seizure of salt, 6
SALT DUTY.
Bombay—
Duty of Customs by land, how to be levied, Act 29, 1857
Madras—
Price for, to be paid to Government, 457

SALT SMUGGLING INTO CALCUTTA.
Act to prevent, 709
Chokees for prevention of, to be established, *ib.*; with superintendent, *ib.*; and officers, *ib.*
SALT WORKS. (*Bombay.*)
New ones not to be opened, nor old closed ones reopened, without the sanction of Government, 790
SALT SMUGGLING. (*Bengal.*)
For prevention of, not to be carried in larger quantity than 5 seers, unless protected by document, 829
SEAMEN. *See Merchant Seamen.*
SECRETARIES OF GOVERNMENT.
May exercise powers given to Chief Secretaries, 1
SESSION JUDGES. (*Bengal.*)
Local jurisdiction of, may be altered by Government, 4
Empowered to refer suits to P. S. Ameens, 66; and S. Ameens, *ib*; and appeal from suits referred, to be to what Court, *ib*; and proceedings to be subject to what stamp, 67
SHIPS.
Act relating to registration of, 273 *et seq*; amended, *see note*, 290
Rules to be observed in registering, 275
What shall be deemed British, 276
Certificate of registration, form of, 277
At what ports they shall be registered, *ib.*
May make a first voyage to intended port of registry under certificate, *ib.*
Who may grant certificates of registry, 278
Registry book of, to contain what particulars, *ib.*
Declaration, form of, to be made on registering, *ib. et seq.*; and by whom to be made, 280
To be examined and measured before registered, *ib.*; and tonnage of, how to be ascertained, *ib.*; and of steam-ships, how to be ascertained, 281; and how to be measured, if cargo is on board, *ib. et seq.*
Register tonnage of, to be carved on main beam, 282
Country craft, how to be measured, 281
Certificate of registry not to be parted with, 282
Certificate of registry to be delivered up, under what circumstances, 283
Name of master of, to be indorsed on certificate, *ib. et seq.*
To have no other name than her registered one, 284
What particulars to be given by person desiring a certificate, 285
If certificate lost, ship to be registered *de novo*, *ib. et seq*
Certificate not to be detained, 286; to be registered *de novo* if altered, *ib.*
Copies of register to be evidence, 287
Coming to be owned by native princes, may retain privilege under a pass, 288
Fees for registering to be paid, 289
To what port they shall be deemed to belong, *ib.*

SHIPS OF NATIVE STATES.
Same passes may be given to, as to British ships, 756
SICCA RUPEE.
To cease to be a legal tender, 24
SILVER COINAGE *See Coinage.*
SINGAPORE. *See Straits' Settlements.*
SIRDARS IN THE DECCAN.
Assistant Judge of Poonah may be agent for, 16
SIR THOMAS TURTON'S DEBTS.
Act for relief of certain sufferers by his insolvency, 832; obsolete, *see note, ib.;* amended, 851
SLAVERY.
Act for abolition of, 392
No public officer to sell any person or his services on pretence of his being in a state of slavery, *ib.*
No right of property in the person or services of another as slave, to be enforced by any Court or Magistrate, *ib.*
No person to be dispossessed of any right on pretence of his being in a state of slavery, 393
Same penal law to apply to acts done to slave as to freeman, *ib.*
SMALL CAUSE COURTS. *Calcutta, Madras, and Bombay.*
Act relating to, 722 *et seq.*
Style of, 728; and jurisdiction of, *ib.;* and over what persons, 733
To be deemed Courts of Requests, &c., 728; and may continue proceedings of abolished Courts, *ib.*
One judge of, to be a barrister, &c., 729
Judges of, not to trade, &c., *ib. et seq.;* and removeable by G. G. of I. in C., *ib.;* and Supreme Court Judges may act as, *ib.*
Clerks to be appointed for, *ib.;* to issue summonses, &c., 730
Bailiffs for, to be appointed by, *ib.*
Officers of, not to practise as attorneys or to trade, *ib.*
Clerks and bailiffs of, to give security, *ib.*
Fees, what payable on proceedings, and when, 731; and may be increased or lessened by G. in C., *ib.*
Sittings of, to be daily, *ib.*
Holidays of, what, *ib.*
Seal to be made for, 732
Suits, what may be brought in, *ib,*
Not to have jurisdiction concerning revenue or acts of Government, *ib.*
Summonses of parties, in what form, 733; errors in, not to vitiate, *ib.*
Summonses of, how to be indorsed. *ib.;* service of summonses on one of several, sufficient, 735
Minors may sue in, 734
Partnership accounts within jurisdiction of, *ib.*
Legacy and distributive share recoverable in, *ib.*

SMALL CAUSE COURTS.—*Continued.*

Executors may sue and be sued in, 734
Splitting actions in, prohibited, *ib.*
G. G. and what other persons, exempt from process of, *ib.*
Law of, to be same as in Supreme Court, 735
Trials in, to be in a summary way, *ib.*
Defendant to have benefit of set off, *ib.*
May with consent refer to arbitration, *ib. et seq.*
May make general rules, 736
To follow practice of Supreme Court, when, *ib.*
How to proceed in case of non-appearance of other party, 737
May make adjournments of cases, *ib.*
Defendant may pay money into Court, *ib.*
Witnesses in, parties and their wives, may be, 738; and examined on oath, &c., *ib. et seq.*
Summons of witnesses, in what form, *ib.*, and persons disobeying summonses of, punishable, *ib.*
Persons evading process of, how to be proceeded against, *ib. et seq.*
Fines of, how enforceable, 739
May direct how costs shall be paid, *ib.*
Orders, &c., of, to be final, *ib.*
Causes under 100 rupees, not removeable, *ib.*
Causes when removeable, *ib.*
May reserve questions for opinion of Supreme Courts, 740
May order payment by instalments, *ib.*
Cross judgments mutually to extinguish one another, *ib.*
What execution may be issued by, *ib.*
Writ of execution, how to be enforced, *ib. et seq.*
Execution not to be against goods and person, 741
Diet money to be paid for maintenance of persons in execution, *ib.*
Diet money recoverable by creditor, *ib.*
Execution against the person not to operate as payment, 742
What goods may be taken in execution, *ib.*
Bills of exchange, &c., taken in execution may be sued upon, *ib.*
May stay execution, *ib. et seq.*
Goods taken in execution, when to be sold, 743
To be sold by court broker, &c., *ib.*
Judgments of, to be executed by Mofussil Courts, *ib. et seq.*
Clerk of, his duty as to warrants, &c., and judgments, &c., 744; to make list of unclaimed moneys, &c., 745
Persons insulting judges of, may be arrested, 746
Bailiffs of, persons assaulting, &c., may be fined, *ib.*
neglect of duty by, how punishable, *ib. et seq.*
Extortion, &c., by officers of, how punishable, 747
Distresses for rent issuable by, 748

SMALL CAUSE COURTS—*Continued.*
Houses, &c., may be recovered by suit in, *ib. et seq.*
Officers of, suable in Supreme Court, 751
Penalties, &c, under S. C. Court Act, how recoverable, 753
SMALL DEBT AND DEMANDS IN CALCUTTA, MADRAS, AND BOMBAY. *See Small Cause Courts.*
SOLEMN AFFIRMATION. *See Oaths.*
Substituted for oath, in case of Hindoo and Mahometan witnesses, 224; form of, altered by Act 18, 1863.
SPECIAL CASE. (*Supreme Courts.*)
May be stated for decision of Court after issue joined, 337
SPIRIT LICENSES. (*Bombay and Colaba.*)
Act concerning payment on account of, 363
SPIRITUOUS LIQUORS, MANUFACTURE OF. (*Madras.*)
Act to alter the law respecting, 564
As to manufacture of, after European method, 565
sale and monopoly of, if manufactured by European process, *ib.*
SATTARA TERRITORIES.
Act to effect exchange of part, 363
STAMP DUTIES. (*Madras.*)
Substituted for institution fees, in Courts of District Moonsiffs, 664
To be returned partly, on dismissal of suit in certain cases, 665
STAMPED MATERIAL. (*Bombay.*)
Act to amend the law respecting, 716
STAMP OFFICE. (*Bengal.*)
Officer having management of stamp duties may be uncovenanted, 73
STANDING COMMISSION. *See Commission for taking Affidavits.*
STATE OFFENCES.
Act for the greater uniformity of process upon trials of, 264
Ordinary tribunals, competent to try them, 265
Commission for trial of, may be issued, 265; proceedings of, how to be regulated, *ib. et seq.*, and not to be affected by death of one judge, *ib.*; sentences of to be reported to Government, 266
Magistrates to give notice of persons charged with and within their districts, *ib.*
STATE PRISONERS. (*Bengal.*)
Act for the better custody of, 792; extended to Madras and Bombay, *see note*, 793
Warrants for commitment of, may be to Sheriff, &c., *ib. et seq.*, but see Act 12, 1867
STRAITS' SETTLEMENTS, ACTS RELATING TO.
Act for appointing Commissioners with power to investigate and decide on claims to lands in, 49
Act to declare immoveable property in the nature of chattels real, for purpose of transmission in cases of intestacy, 59

STRAITS' SETTLEMENTS, ACTS RELATING TO.—*Continued.*
Act providing specially for sentences for perjury, 126
Act to provide for the punishment of certain offences against property, 147
Act to authorise the issue of search warrants in certain cases, 149; repealed, *see note*
Municipal Assessment Act, 167; repealed, *see note*
Act for the assessment and collection of Government Land Rents, 171
Extension of Municipal Assessment Act, 232; repealed, *see note*, 233
Act 24, 1841, and Act 17, 1843, extended to, *see notes*, 333, 441
Act to provide for appointment of police in, 587; repealed, *see note*
Act for establishing a copper currency in, 589
Coroners' Juries' Act, extended to, *see notes*, 652 and 673
An Act for better defining the duties of customs and excise, 683
Act for licensing of pawnbrokers, 805; repealed, except ss. 2, 3, which sections are erroneously suppressed, but their substance is in the abstract of the Act, *see note*, 806
Consolidation Act of Opium Farm, 854, repealed, *see note*

SUBATHOO AND ANNEXED TERRITORIES.
Act placing them under the Regulations, 27; repealed, *see note*, *ib.*; Act to repeal said Act, 791

SUCCESSIONS.
Act for the protection of property in cases of, 316; by appointment of Curators, *ib. et seq.*
Act for facilitating the collection of debts on, 324; amended, *see note*, 327; repealed, *see note ib.*

SUDDER AMEENS. (*Bengal.*)
Relieved from liability to be fined, 601
Exemptions from jurisdiction of, by reason of place of birth or descent abolished, 23
When British born subjects, liable to same civil and criminal proceedings as if not British born, 20

Madras—
Payment of, by fee or commission for judicial duties, abolished, 40

SUDDER BOARD OF REVENUE. (*Bengal.*)
Act for consolidating it with Board of Customs, Salt and Opium, 826
Its future name to be the Board of Revenue for the Lower Provinces, 827

SUDDER COURTS.
Term to apply to the courts of the highest civil and criminal jurisdiction in all the provinces, 368, repealed, *see note*, *ib.*

SUDDER DEWANNY ADAWLUT.
Bengal—
Judge of, not to be disqualified to sit on appeal by reason of its being an appeal against his own decision, 828

Bombay—
Jurisdiction of, not to be affected by removal to the Island, 706

SUDDER FOUZDARRY ADAWLUT. *(Bombay.)*
Empowered to direct where trial shall be, 11
SUGAR.—*See Foreign Sugar.*
SUMROO BEGUM.—*See Begum Sumroo, Territories of.*
SUNNUDS. *(Madras.)*
Regulations respecting certain, repealed, 11
SUPERINTENDENT OF POLICE.
May be appointed for Bengal and N. W. Provinces, 62; with what power, 63
May be appointed for Governor General, and Commander-in-Chief's Camps, 38
SUPERINTENDENT OF SALT CHOKEES. *(Calcutta.)*
To be appointed, 709; with officers of salt chokees, *ib.*; his and their duties, powers, and protections, 710 *et seq.*
May be an uncovenanted officer, 5
SUPREME COURTS AND ENGLISH LAW, ACTS RELATING TO.
Act to enable Supreme Courts to set at liberty convicts on their own recognizances, whom they have recommended for a free pardon, 46
Act providing specially for sentences by, for perjury, 126
Act for amendment of the Statutory Criminal Law of, 140; superseded by Indian Penal Code, *ib.*
Act for enabling persons charged with offences to make their defence more effectually, 181
Act for the amendment of the law relating to dower, 192
Act for the amendment of the law of Inheritance, 195
Act for remedying certain defects in statute 9 G. 4, c. 74, relating to coin, 199
Act for the amendment of the law concerning the negotiation of Bills of Exchange, 225
Act for amending the Law of, with reference to arbitrations, damages and interested witnesses, 228
Act for extending to H. M.'s Supreme Courts, the 9 G. 4, c 83, regarding factors, 234; and 5 and 6 Vic., c. 39, regarding factors, 489
Act for extending to Supreme Courts the 9 G. 4, c. 14, rendering a written memorandum necessary to the validity of certain promises, &c., 244; and *see note*, 247
Act for executing process of Mofussil Courts in Presidency Towns, 252; and *see note*, 255
Interpleader Act, 272
Act regarding undisposed of residue of effects, illusory appointments, and transfer of estates by persons under disabilities, 332; and *see note*, 333
Act for extending 9 Geo. 4, c. 73, as to contempts in non-payment of money, 324
Act for extending parts of Geo. 4, c. 42, 336]

SUPREME COURTS AND ENGLISH LAW, ACTS RELATING TO.—*Continued.*
Act to extend 4 and 5 Vic., c. 21 (regarding lease and release), 368
Act for repealing 53, Geo. 3, c. 155, respecting appeals from convictions, 391
Act to amend the law respecting the period of executions for murder, 461
Act for improvement of the administration of justice, &c., in Supreme Court, Calcutta, 462; of Madras, 560; of Bombay, 627
Act regarding the admission of attornies in Supreme Court, Bombay, 525
Act for regulating coroner's juries, 650, 827
To enable the Supreme Court, Calcutta, to issue commissions for taking affidavits, 661
Act to forbid trading by officers of Supreme Courts, 662
Act for avoiding wagers (s. 2), 670
Act to simplify indictments for forgery, 671; and *see note*
SURAT. *See Nawab of Surat.*
SURAT POLICE.
Act concerning, 573
SURETIES FOR PUBLIC ACCOUNTANTS. *See Public Accountants.*
SURETIES FOR UNCOVENANTED REVENUE OFFICERS. (*Bombay.*)
May be required, 103, *et seq.*
To be jointly and severally liable, 104
As to extent of liability, *ib.*
May withdraw from their liability by notice, *ib.*
Not to be discharged by death of principal, *ib.*; nor by change of appointment, *ib.*
Form of Bond of, 105
SURVEY OF CALCUTTA.
Act for appointment of, 603; and power of Surveyor, *ib. et seq.*

TAHSEELDARS. (*Madras.*)
Vested with powers of distraining for arrears of rent or revenue, 163; under rules, *ib.*; and subject to control of Collector, *ib.*; not entitled to commission or fee, *ib.*; and may delegate their duties to subordinates, *ib.*
TENASSERIM PROVINCES.
Functionaries of, placed under control of Sudder Courts, and B. of Rev., 2; repealed as respects Arracan, *see note ib.*
TOLLS ON EASTERN CANAL (*Bengal.*)
Act relataing to, 33; repealed, *see note ib.*
TOLLS ON PUBLIC ROADS AND BRIDGES.
Act for enabling Government to levy, 840, troops, &c., exempted from, 842, what they shall be, 843; repealed, *see note, ib.*
TOLLY'S NULLAH. *See Tolls on Eastern Canal.*
TOWN AND TRANSIT DUTIES. TRANSIT DUTIES.
Acts repealing, Bengal, 25; Madras, 449; Bombay, 489

TRIBUTARY MEHALS OF CUTTACK.
Act for settling the boundaries of, 774
TRUSTEE. *See Official Trustees.*

UNCLAIMED DIVIDENDS OF INSOLVENT ESTATES.
Act relating to, 338
After six years may be distributed among the creditors, *ib.*
List of, to be published before distribution, 339
Wages to be paid out of, *ib.*
UNCOVENANTED AGENCY. (*Bengal.*)
Act for the more extensive employment of, in the Judicial Department, 436
UNCOVENANTED PERSONS.
May be Deputy Registrar and Assistant Registrar in Sudder (*Bengal*), 226, and have duties of Registrar (*Bombay*), 525; and be Manager of Stamps (*Bengal*), 73; and have duties of superintending salt chokees, 5; and be local agent under Beng. R 19, 1810, s. 9, 79, and be Deputy Magistrates (*Bengal*), 436
UNCOVENANTED ASSISTANT REGISTRAR. (*Bombay.*)
Duties of Registrar may be assigned to, 525
UNCOVENANTED DEPUTY MAGISTRATES.
Act for the appointment of, 830; repealed, *see note, ib.*
UNION BANK OF CALCUTTA.
Act to enable it to sue and be sued in name of Secretary, 543; obsolete, *see note*, 546
Act to confirm agreement of shareholders, 680; obsolete, *see note, ib.*

VAGRANTS. *Straits' Settlements.*
Act to prevent the landing, &c., decrepit beggars in the Straits' Settlements, 806; masters of ships liable to fine for so doing, *ib.*
VAKEEL OF ADDITIONAL COMMISSIONER. (*Madras.*)
Act relating to, 28
VAKEELS. *See Pleaders.*
VAKEELS. (*Madras.*) *See Pleaders.*
Act relating to the appointment, removal, and fees of, 39; repealed, *see note, ib.*
VICE-PRESIDENT OF COUNCIL.
Certain Acts of, made valid, 1

WAGER OF LAW. (*Supreme Courts.*)
Abolished, 336.
WAGERS.
Act for avoiding, 670; not to extend to horse-racing, *see note, ib*
Wagering agreements made null and void, *ib.*
Feigned issues on, in Supreme Courts, to be discontinued, *ib.*
WANDERING GANGS OF THIEVES AND ROBBERS.
Act for Punishment of, 659; repealed, *see note*, 660

WAREHOUSES FOR BONDING GOODS.
Acts relating to, 36; repealed, *see notes*, 38, 312
WAREHOUSING PORTS.
Act establishing, 36; repealed, *see note*, 38
WARRANTS.
Act to enable Courts to issue warrants in case of failure to serve summons, 523; repealed, *see note*, *ib.*
WILLS.
Act relating to, 114 *et seq.*; superseded as to Wills made after certain date by Indian Succession Act, *see note*, 125
WITNESSES. *See Commissions for Examination of Absent Witnesses. See Evidence.*
Competent notwithstanding conviction for crime, 59; and *see note*, *ib.*; and competent notwithstanding interest, 228; and bound to attend before Military Courts of Requests, 293
WRITING, MEMORANDUM IN.
To take case out of statute of limitations, a promise must be in writing, 243; also by one co-debtor, not to deprive other co-debtor of benefit of statute of limitations, 244; also by party to whom payment is made, not to be evidence thereof, to take case out of statute of limitations, *ib.*
Ratification of debt contracted in infancy must be in, 246
Representations of character, credit, &c., must be in writing, for the party making them to be chargeable, *ib.*
Executory contracts relating to goods, wares, and merchandize, must be in, 247
ZEMINDAR. (*Bengal.*)
Lease by, for longer term than his engagement with Government, void as to excess, 386
Liable to be fined for non-attendance before Collector with accounts by Collector up to 500 Rupees, 669; case to be reported of, to Commissioner, *ib.*
ZEMINDARY REVENUE SALE LAW. (*Bengal.*) *See Revenue Sale Law.*
ZILLAH JAIL. *See Gaol.*
ZILLAHS.
Creation of, in Bengal, by G. G. in C., authorised, 32

END OF VOL. I.

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